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FURTHER REPORT ON THE SITUATION OF HUMAN RIGHTS IN CROATIA PURSUANT TO SECURITY COUNCIL RESOLUTION 1019 (1995)

I. INTRODUCTION

1. The present report is submitted pursuant to Security Council resolutions 1009 (1995), 1019 (1995) and presidential statement S/PRST/1996/39 of 20 September 1996. The report updates the human rights situation in Croatia, with specific reference to progress on measures taken by the Government of the Republic of Croatia to implement the resolutions mentioned above. These resolutions were adopted in the aftermath of Croatia's military offensive in May and August 1995 to recover formerly Serb-controlled areas of its territory located in Western Slavonia and the Krajina region, which had been designated United Nations Protected Areas and were known as Sectors West, North and South.

2. The present report considers developments since my last report of 23 August (S/1996/691) up to mid-November 1996. It is based on information compiled by the field operation of the United Nations High Commissioner/Centre for Human Rights in the former Yugoslavia from a range of sources, including the European Community Monitoring Mission (ECMM), the Office of the Prosecutor of the International Tribunal for the Former Yugoslavia, the Office of the United Nations High Commissioner for Refugees (UNHCR) and the International Committee of the Red Cross (ICRC). Two recent reports issued in October 1996 by the Special Rapporteur of the Commission on Human Rights, Ms. Elisabeth Rehn, have also been taken into consideration.[1] In addition, the report takes into account several aide-mémoires and other documents and information provided by the Government of Croatia, including an aide-mémoire dated 15 November 1996. Substantial information has also been received from local and international non-governmental human rights organizations active in Croatia, including the Croatian Helsinki Committee, Otvorene Oci ("Open Eyes"), the Dalmatian Solidarity Committee (DOS), Homo, the Committee for Human Rights in Karlovac and Pakrac, the Serbian Democratic Forum and the Anti-War Campaign, Croatia.

II. HUMAN RIGHTS VIOLATIONS AND MEASURES TAKEN BY THE GOVERNMENT OF CROATIA

3. Since my last report, the incidence of violent assaults and thefts committed in the former sectors against members of the local population, in particular Croatian Serbs, appears to have decreased slightly. Nonetheless, reports of such acts continue to be received. Former Sector South, especially around the town of Knin, remains an area of particular concern. Ongoing harassment, looting and physical attacks in the region indicate that measures taken by the Government to improve the security situation have been relatively ineffective. The Government maintains that it has taken numerous measures to improve security in the former sectors, including the deployment of an additional 3,500 police officers. International observers indeed confirm a strengthened police presence in some areas, although not in more remote regions. Pakrac (former Sector West) has been identified as a location with an especially effective and professional police force.

4. According to government reports, in the course of August and September 1996, only two cases of serious criminal activity were recorded in the former sectors, in addition to 14 cases of arson and demolition of houses and 6 cases of looting. International and non-governmental observers, on the other hand, report that the number of serious incidents was considerably higher. The Government also maintains that the current rate of crime in the former sectors is not statistically different from the normal rate of crime throughout the country. It appears, however, that many of the incidents that continue to be committed in the former sectors are specifically motivated by the victims' Croatian Serb origin, which has led to an exceptional feeling of insecurity amongst that group.

5. Many recent crimes in the former sectors have reportedly been committed by civilians. Indeed, some instances of looting have been attributed to families, including women and children, many of whom are Croat refugees from neighbouring Bosnia and Herzegovina who have recently been resettled in the area. Some of the most violent incidents, however, have been attributed to persons wearing Croatian military uniforms. One female Croatian Army soldier has reportedly directed several violent attacks by soldiers in the Knin area in recent months. On occasion, Croatian police officers have also been alleged to be involved in looting and other crimes.

6. Two persons have been killed in the former sectors since last August. On 11 September, in Bukovica, former Sector North, an elderly couple of mixed (Serb-Croat) origin were shot dead in their home; the building was then set on fire and the victims' corpses were thrown into the blaze. The Croatian police made two arrests in the case two weeks later. Another violent incident occurred on the night of 27 October in the village of Bukovic, near Benkovac, when two unknown persons broke into the house of a 60-year-old Serb woman, raped her and beat her severely before locking her in a closet. She required 12 days of hospitalization to recover from her injuries.

7. Looting of livestock, crops, firewood, building materials and other goods remains common, particularly in the Golubic and Plavno valley areas near Knin. The Chief of Police in Knin advised international observers on 25 September that

some 12 vehicles had been seized and 30 persons, mostly Croat refugees, had been placed under investigation during the previous week for looting and other crimes. Croatian police and soldiers were reportedly involved in a series of thefts in the Plavno valley on 19 September. One of the victims, who had recorded the licence plate of a vehicle used by the looters, attempted to report the crime to the police but they refused to accept the complaint. She subsequently mailed it to the local police station.

8. During the night of 3 October, three armed and intoxicated Croatian soldiers were reported to have arrived in the hamlet of Bjedov (former Sector South) and ordered the few residents present to get out of their homes. The soldiers stole food and electrical appliances. A resident told an international observer the next day that she was ready to move to the Federal Republic of Yugoslavia. On 28 October, four persons, including two Croatian soldiers, accosted a couple on a road near Knin and stole 40 sheep from them. The incident was reported to the police who managed to convince the perpetrators to return the animals.

9. Several acts of arson against homes belonging to Croatian Serbs in the former sectors were reported in November, including an incident in Golubic and others in Svrackovo Selo, Plitvice and Brezovac. In Ocestovo (former Sector South) the school building in the centre of the town was set on fire on 25 September. On 23 August, a Serb Orthodox church in Karin (former Sector South) was blown up and on 17 September, a monument in Knin commemorating the Second World War was destroyed by a bomb.

10. In my last report I noted a spate of attacks and threats against non-governmental organizations engaged in human rights and humanitarian activities in the area. The most recent such incident involved a man who broke into the office of the Croatian non-governmental organization Homo in Vrhovine (former Sector South) during the night of 16 October and threatened and later beat two persons staying there. The victims managed to notify the police, who took the perpetrator, believed to be armed, into custody. Upon his release the next day, the man returned to the office, where he again threatened the occupants.

11. The return of law and order in the region has been delayed by the failure to re-establish a functioning court system, among other reasons. As of early September, only one judge was in office at the municipal court in Knin. Police officials have reported frustration at the courts' inability to handle even the few cases that are referred to them.

12. As for the investigation and prosecution of crimes committed against the Croatian Serb population during the summer of 1995, the Government has provided no new information to supplement the data contained in its report of 10 June 1996. That information indicated, inter alia, that criminal proceedings had been instigated or final verdicts reached against an aggregate of 2,849 persons for hundreds of crimes committed in the former sectors during the summer of 1995.[2] There has been no progress reported towards clarifying the 1995 killings of nine elderly Serbs at Varivode and seven in Gosic, following the acquittals in August 1996 of eight persons accused in those cases.[3] The Grubori

case, concerning the killing of five elderly Serbs in a hamlet in the Plavno valley in August 1995, remains similarly unresolved.

III. HUMANITARIAN AND ECONOMIC SITUATION

13. Notable progress has been made in the Government's programme to meet the most urgent humanitarian needs of vulnerable persons, including unaccompanied elderly persons residing in the former sectors. Measures taken by the Government in cooperation with local and international relief agencies were assessed in a generally favourable manner by the Special Rapporteur in her report of 22 October to the Commission on Human Rights.[4] Special attention will have to be paid to this matter, however, with the imminent onset of winter when isolated persons will be at greatest risk.

14. The Government's programme "Let's Save Lives", conducted in association with the Croatian Red Cross, has been engaged in providing individualized care, surveying the general needs of the population, endeavouring to meet social security needs such as health insurance and pension benefits and establishing specialized care institutions. Important support has been provided by international humanitarian organizations including UNHCR, the International Federation of Red Cross and Red Crescent Societies, ICRC and Équilibre. The Government signed an agreement with the International Federation of Red Cross and Red Crescent Societies on 4 October for the jointly financed reconstruction of specialized care facilities, including a psychiatric hospital and a rehabilitation centre, which will have the capacity to care for some 700 persons. The Government reports that Équilibre is participating in a joint project to provide social documentation to elderly Croatian Serbs who remained in former Sector North.

15. According to the Government, the National Pension and Disability Insurance Fund is responding to the social welfare needs of the population through new branch offices established recently in the former sectors. According to official figures, a total of 5,069 applications for benefits had been filed as at 2 October, of which 4,745 (94 per cent) have been "solved". Reports from Sector West, however, indicate that several applications were not even accepted by the local offices because the applicants lack the citizenship certificates (domovnica). Such certificates have been difficult for Croatian Serbs to obtain. Regarding unemployment benefits, branch offices set up in the former sectors by the Croatian Labour Office had registered a total of 7,912 unemployed persons as at 3 October. The Government has indicated that those persons have the same rights and duties as other unemployed Croatian citizens.

16. Notwithstanding these measures, reports from the former sectors indicate that Croatian Serbs still suffer from discrimination in the provision of social benefits. Reconstruction assistance, for example, is still far more likely to be dispensed to citizens of Croat, as opposed to Serb origin. Utility services such as electricity and water, as well as transport lines to Croatian Serb communities, have been slow in materializing. Examples are the village of Cremusnica (in the Gvozd - formerly Vrginmost - municipality) and hamlets near Dabar. Applications for documentation by Croatian Serb individuals, including for recognition of citizenship, are frequently stalled for bureaucratic and

other reasons, while citizens of Croat origin find the process to be much swifter. In general, the large influx of Croat refugees and displaced persons into the former sectors, without a corresponding return of the Croatian Serb population, has resulted in a clear imbalance in the allocation of essential resources. The difficult situation faced by Croatian Serbs is further aggravated by the region's deep economic stagnation.

IV. RETURN OF CROATIAN SERB REFUGEES AND DISPLACED PERSONS

17. As many as 200,000 Croatian Serbs fled to the Federal Republic of Yugoslavia and Bosnia and Herzegovina following the 1995 Croatia military offensives in former Sectors West, North and South. Government figures indicate that the number of persons who have been granted official authorization to return to Croatia as at 12 October 1996 was approximately 12,000. The Government indicates that, in fact, a slightly higher number of Serbs may have returned to the country, including some through unofficial means. By contrast, some international observers suggest that the number of actual returns to Croatia may be far fewer than 12,000. This observation is based on allegations that some of the persons authorized to return are members of family units in which a single individual - typically an adult male of military age - has been denied permission to return to Croatia along with his family. These denials have caused entire families to remain outside the country until they can return to their homes together. In the past year, the UNHCR office in Belgrade has only been able to facilitate the return of just under 300 refugees to Croatia. It should be noted that while re-entry into Croatia by citizens of Croat nationality occurs routinely in most cases, the process is far more difficult for Croatian Serbs with equally defensible claims to citizenship.[5]

18. As far as returns to the former sectors themselves are concerned, international observers estimate the number of returnees to be some 3,000 persons. Many Croatian Serbs who have returned to Croatia have joined relatives in areas of the country outside the former sectors. Some 10,000 Croatian Serbs, mostly elderly persons, remained in the former sectors after last summer's military operations. Meanwhile, over 55,000 Croat displaced persons from elsewhere in the country and Croat refugees from Bosnia and Herzegovina and the Federal Republic of Yugoslavia have been resettled in the former sectors since early 1996, with more arriving every day. Whole towns have been designated for resettlement by Croat refugees, including Kistanje (former Sector South), predominantly Serb before the war. The town is now expected to receive more than 1,000 Croats from the Kosovo province in the Federal Republic of Yugoslavia. The Government stresses that it is caring for a high number of refugees and displaced persons, more than 350,000 altogether, whose rights to shelter, dignity and security require urgent attention.

19. The imbalance between the number of remaining and returning Croatian Serbs and the number of Croats resettled in the former sectors is a matter of concern, however, as is the change, perhaps irrevocable, in the demography of those regions. This imbalance has many evident causes, but one of the most fundamental, according to international observers, is simply the persistent hostility shown by local Croat authorities and residents to the return of Croatian Serbs. On many occasions observers have been told by locals that it is

impossible for Croatian Serbs to return so soon after the events of five years of war. These feelings, compounded by bureaucratic and/or political obstacles, make the likelihood of a large-scale return of Croatian Serbs in the near future seem very remote indeed.

20. Nevertheless, the Government of Croatia insists that it is working actively toward the goal of return. A significant step in this direction was the signing at Belgrade on 23 August 1996 of the Agreement on Normalization of Relations between the Republic of Croatia and the Federal Republic of Yugoslavia, noted by the Security Council in its presidential statement of 20 September (S/PRST/1996/39). Pursuant to the Agreement, both parties assumed the obligation to facilitate the free and safe return of refugees and internally displaced persons to their places of origin or other places of their choice. According to the Government of Croatia, applications for return by refugees currently residing in the Federal Republic of Yugoslavia may now be submitted through the Croatian Embassy in Belgrade. The Government has stated that the conclusion of the Agreement will significantly facilitate the process of return of Croatian Serb refugees to Croatia, although it must be pointed out that progress on this issue to date, three months after the Agreement's signing, has been limited.

21. As I noted previously, the Government of Croatia has indicated that it will give priority to applications for return from relatives of elderly Croatian Serbs still in the former sectors who require the assistance of younger family members to lead a normal life. This approach had been advocated by international organizations concerned with return issues, including UNHCR and ICRC.

22. One aspect of the return question requiring special emphasis is the matter of property. Even when Croatian Serbs do manage to return to the former sectors, they frequently find their houses or apartments occupied by resettled Croat refugees and displaced persons. Although these occupations are often (although not always) initiated according to legal procedures, they are not normally envisioned to be permanent, and the return of a lawful owner should generally result in the reversion of his or her property. The process of allocation of unclaimed properties is overseen by local property commissions, which, as has been previously reported, vary greatly in their effectiveness in safeguarding property rights.

23. Dozens of cases have been reported throughout the region of returning Croatian Serbs who have been unable to obtain the assistance of local authorities in regaining possession of their homes. One Croatian Serb couple who had worked for some 30 years as teachers at the Knin primary school have been attempting to recover possession of their flat ever since their return from the Federal Republic of Yugoslavia in March 1996. On at least one occasion they were angrily derided by a local official as "Chetniks" (a derogatory term applied to Serbs) and thrown out of his office. In another case, the house belonging to a 68-year-old Croatian Serb from Gracac has been occupied by a Croat refugee from Kakanj, Bosnia and Herzegovina. When the owner requested help in the case from the local police, he was reportedly detained for a day for questioning and then released, with no action taken on his complaint. A violent occupation occurred in Knin on 8 November when several persons invaded a

69-year-old woman's house, forced her to leave by threatening her and then changed the property's lock. She is now pressing charges against the perpetrators but at the time of finalizing the present report she reportedly had still not been able to recover possession of the house.

24. The Government has called attention to provisions of the Agreement on Normalization of Relations between the Republic of Croatia and the Federal Republic of Yugoslavia that provide for the return of possession of property or just and adequate compensation. The Government has advised that pursuant to the Agreement, a bilateral commission has been established with the task of implementing those provisions.

25. The question of returns, both of displaced Croatian Serbs and Croats, is a central consideration in the implementation of the Basic Agreement on the Region of Eastern Slavonia, Baranja and Western Sirmium (A/50/757-S/1995/951, annex). Some visits of displaced Croatian Serbs currently residing in that region to their home communities elsewhere in the former sectors have taken place, with the involvement of the United Nations Transitional Administration for Eastern Slavonia, Baranja and Western Sirmium (UNTAES) and UNHCR. While some of these initiatives have proceeded smoothly, others have not - as was the case, for example, with the visit by a group of Croatian Serbs from Bilje in the UNTAES-administered region on 11 October to former Sector North. Upon arrival in Glina their bus was attacked by a hostile mob, which included the mayor of Glina. It should also be noted that prospects for returns are further complicated by the continued presence of mines.

V. DETENTION AND THE QUESTION OF AMNESTY

26. On 20 September, the Parliament of Croatia passed a general amnesty law, which entered into force on 3 October. The terms of the legislation apply to persons accused of or sentenced for criminal acts committed in Croatia in connection with aggression, rebellion or armed conflict between 17 August 1990 and 23 August 1996. Under the law, criminal investigations or proceedings related to such acts are to be cancelled and any detained persons to whom the amnesty applies should be released. The legislation exempts from its coverage alleged perpetrators of war crimes, which are explicitly listed in the law with reference to articles 119 to 137 of the Basic Penal Code of Croatia. In its presidential statement of 20 September 1996, the Security Council welcomed the passage of the amnesty law, which it had previously recommended as a useful step toward promoting the peaceful reintegration in the country.

27. According to the Government of Croatia, as at 15 November, 94 persons had been released from detention or imprisonment on the basis of the new amnesty law. For those persons tried and convicted in absentia, a procedure for vacating the sentences is currently under way.

28. Recent information received by the field operation of the United Nations High Commissioner/Centre for Human Rights, however, strongly suggests that the amnesty law is not being implemented in a fair and equitable manner. More than 20 persons have been rearrested immediately or within days of their release. In some cases they are apparently being charged with war crimes for the same acts

for which they had previously been held. These rearrests have caused apprehension among the Croatian Serb population both within and outside Croatia.

29. In addition, concerns have been raised about the cases of persons tried and convicted in absentia. Many of these persons are ignorant of the consequences they may face upon return to Croatia, especially if their convictions are not vacated by the Government pursuant to the amnesty. While the amnesty law stipulates that persons subject to imprisonment on the basis of in absentia convictions can request review of their cases, such action must be taken within the year following the effective date of the law, that is, by 3 October 1997. The difficulty of obtaining information concerning convictions in absentia means that returnees will remain fearful of possible arrest if they decide to return to Croatia, and that, if indeed they are arrested subsequent to 3 October 1997, the arrest may be irrevocable.

VI. LEGAL PROTECTION FOR THE CROATIAN SERB POPULATION

30. On 6 November 1996, Croatia was formally admitted as the fortieth member of the Council of Europe. The Government of Croatia signed the European Convention for the Protection of Human Rights and Fundamental Freedoms and its Protocols, accepting thereby the competence of the European Commission and the European Court of Human Rights. Croatia also signed the Framework Convention for the Protection of National Minorities and the European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment. It is hoped that these undertakings will have a significant impact on key areas of human rights affecting all citizens of Croatia, and Croatian Serbs in particular.

31. With a view to better implementation of the commitments it has undertaken in relation to the Council of Europe, the Government of Croatia has advised that, on 12 September, it established a formal working group, composed of both government representatives and independent experts, to examine the compatibility of Croatian law with the European Convention on Human Rights and Fundamental Freedoms and its Protocols.

32. The Government's decision of September 1995 by which it suspended certain provisions of the Constitutional Law on Human Rights affecting the rights of national minorities, principally of Croatian Serbs, remains in effect. The Government maintains, however, that the suspension has not affected core provisions of Croatian law relating to minority rights. In its aide-mémoire of 15 November 1996, the Government advised that, in order "to assure the full compliance and compatibility of the provisions of the Constitutional Law with relevant universal and regional instruments on minority rights standards", it had on 10 October established a working group for the revision of the Constitutional Law on Human Rights. The working group is to cooperate closely with the Council of Europe's Commission on Democracy through Law (the Venice Commission). The Government further advised that it had requested a review by experts from the Council of Europe of the country's draft law on education in ethnic or national minority languages.

33. Croatia continues to cooperate with the Organization for Security and Cooperation in Europe (OSCE), with which it has concluded a memorandum of

understanding for a long-term monitoring mission in Croatia. Mission offices have already been established in Zagreb, Vukovar and Knin. The mission is concerned with a variety of questions, including conflict-prevention, confidence-building and human dimension issues.

34. Pursuant to the long-established cooperation between the Government and the United Nations High Commissioner/Centre for Human Rights, which has hitherto focused largely on supporting the work of the Special Rapporteur of the Commission on Human Rights, the Government has entered into discussions with the High Commissioner's office for the implementation of projects in the area of technical cooperation. In this regard representatives of the Centre for Human Rights undertook a mission to Croatia from 28 October to 2 November 1996 for the purpose of evaluating possible projects.

35. The Government has advised that it is proceeding with plans to restructure and expand the office of the ombudsman, principally through the appointment of 20 deputy regional officers. The Government also advised that it is establishing new institutions to strengthen the promotion and protection of human rights, including a governmental coordination body set up on 26 September, and a committee for the implementation of recommendations of the Fourth World Conference on Women and the World Summit on Children will be established soon, ostensibly to deal with the promotion and protection of the rights of women and children.

VII. COOPERATION WITH THE INTERNATIONAL TRIBUNAL FOR THE FORMER YUGOSLAVIA

36. According to information received from the Office of the Prosecutor, Croatia's cooperation with the International Tribunal leaves much to be desired and is currently producing little of substance. Practical arrangements for cooperation are currently in a state of flux. As of mid-November, the new Prosecutor, Judge Louise Arbour, had not met formally with senior Ministers to discuss the situation, but she planned to do so shortly. The Office of the Prosecutor has been informed that a major reorganization is taking place at key levels in the Ministries dealing with the Tribunal. Concern persists, however, since some four months have passed since the announcement of the establishment of a new government Department for Relations with the Tribunal. This organ, apparently intended to take over liaison from the War Crimes Commission, has not yet become operational, although some progress was made with the appointment in mid-November of a Head of Department. On 12 and 13 November, the Prosecutor's Liaison Office in Zagreb relocated from its present compound. An exchange of letters is under way to regulate the future status of the office, which hitherto had formed part of a larger United Nations presence in the country.

37. In the meantime, the Prosecutor is experiencing delays in obtaining responses from the Croatian authorities in relation to specific requests, including requests for assistance in the production of documentary evidence. The extent to which Croatia considers itself bound by "rules of the road" provisions of the Rome Agreement of 18 February 1996 is still unclear. In that regard the Prosecutor has been informed of the release of 16 Serbs under the

recent general amnesty law and their subsequent rearrest on other charges, which may fall within the framework of the Rome Agreement.

38. Although given access to a large number of case files, the Prosecutor has not been able to find evidence of any serious attempt by the Croatian authorities to investigate grave allegations made about the conduct of Croatian troops and civilians during and after Operation Storm in the former sectors in the summer of 1995.

39. The Croatian authorities have, however, cooperated fully with the Prosecutor in allowing autopsies of bodies removed in the course of the Ovcara/Vukovar hospital exhumations. Autopsies are to take place in Zagreb in the presence of Serb observers.

40. There has been no significant movement regarding the arrest of prominent accused persons, although the arrest of Zlatko Aleksovski in Split was an encouraging sign. His transfer to The Hague now depends upon the decision of the Minister of Justice, who, under Croatia's implementing legislation, "may temporarily postpone surrender due to an illness of the accused or other justified reason". The Prosecutor has been informed that Mr. Aleksovski has been admitted to hospital. Despite a number of recent diplomatic endeavours designed to impress upon the Croatian authorities their duty to fulfil international obligations, the indicted war crime suspects Dario Kordic and Ivica Rajic remain at large. Croatia's failure to apprehend them overshadows all other aspects of cooperation with the International Tribunal.

VIII. OBSERVATIONS

41. Although the security situation in the former sectors has improved slightly since my last report in August, ongoing looting and harassment, especially in the area around Knin, give continuing cause for concern. Prospects for improved confidence amongst the local Serb population are further harmed by the Government's lack of progress in investigating and resolving incidents of human rights violations that occurred in 1995. A legitimate question may be raised as to whether Croatian Serbs in the region will be able to re-establish the conditions of normal life in the near future.

42. As noted by the Special Rapporteur of the Commission on Human Rights and other observers, there have been some positive political developments in Croatia in the last several months. These include the Agreement on Normalization of Relations between the Republic of Croatia and the Federal Republic of Yugoslavia, signed at Belgrade on 23 August, which contains important human rights commitments, the adoption of the new Law on Amnesty on 25 September and the admission of Croatia to the Council of Europe on 6 November, entailing important obligations in the area of human rights. Encouragement may also be drawn from Croatia's programme of humanitarian assistance to vulnerable populations in the former sectors, although reports of discrimination against Croatian Serbs in gaining access to certain benefits require further close attention.

43. On the issue of the return of Croatian Serb refugees, little progress has been noted since my last report. Although the normalization agreement between

Croatia and the Federal Republic of Yugoslavia addresses this subject in a constructive way, it has not yet resulted in a material increase in the number of returns. In the former sectors themselves, it is clear that, owing to the legacy of five years of hostilities, many Croatian authorities and residents simply do not wish Croatian Serbs to return or, in the cases of Croatian Serbs who remained, do not wish them to stay. Continued delays in the return of Croatian Serbs is especially alarming with regard to the situation of elderly Serbs still residing in the former sectors. The absence of their younger family members will compound the difficulties they will have to face in the coming winter.

44. Two developments bode especially poorly for the prospect of future returns. The first is the Government of Croatia's continuing failure to safeguard property rights effectively. Many Croatian Serbs who have returned to the former sectors have found their homes occupied by Croat refugees and displaced persons and have been unable to regain possession of the properties. They are thus left with nowhere to live. It is to be hoped that the Government will move decisively to apply proper procedures to the question of property rights. A second development of great concern relates to the implementation of the new amnesty law. The rearrest of numerous persons, almost immediately following their release under the law, threatens to deprive the legislation of its value in building confidence and promoting reconciliation in Croatia.

45. Regarding the International Tribunal, there remain strong grounds for concern that the Government of Croatia is withholding its full cooperation, principally by failing to ensure the apprehension of indicted war-crime suspects believed to be in areas under its control. The Office of the Prosecutor advises, in addition, that it has not been able to find evidence of any serious attempt by the Croatian authorities to investigate grave allegations made about the conduct of Croatian soldiers and civilians during the 1995 military operations in Krajina and Western Slavonia.

Notes

[1] Special report on minorities (A/51/665-S/1996/931, annex) and periodic report (A/51/663-S/1996/927, annex).

[2] As I noted in my last report (S/1996/691), however, there are some problems to be found with the Government's figures.

[3] See para. 13 of my last report (S/1996/691).

[4] A/51/663-S/1996/927, annex, sect. II.

[5] The Special Rapporteur of the Commission on Human Rights has noted that, regardless of length of residence, Croatian Serbs encounter greater difficulties than Croatians of Croat nationality in obtaining recognition of citizenship, owing in part to the Law on Citizenship's requirement that an applicant be found to be "attached to the legal system and customs persisting in the Republic of Croatia and that he or she accepts the Croatian culture" (art. 8). (See A/51/665-S/1996/931, annex, para. 119.)

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Corrigendum

In the masthead, the date in the symbol block should read 5 December 1996.

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LETTER DATED 5 DECEMBER 1996 FROM THE PERMANENT REPRESENTATIVE OF THE UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND TO THE UNITED NATIONS ADDRESSED TO THE SECRETARY-GENERAL

I have the honour to draw to your attention the Conclusions of the Peace Implementation Conference, on Bosnia and Herzegovina, which was held in London on 4 and 5 December 1996.

I should be grateful if you could have the text of the present letter and its annex circulated as a document of the Security Council.

(Signed) John WESTON
Permanent Representative

96-35505 (E) 101296 111296

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Annex

London Peace Implementation Conference 1996

Bosnia and Herzegovina 1997: Making Peace Work

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LONDON PEACE IMPLEMENTATION CONFERENCE 1996

BOSNIA AND HERZEGOVINA 1997: MAKING PEACE WORK

I. SUMMARY OF CONCLUSIONS

1. The future of Bosnia and Herzegovina is as an independent and democratic state within internationally recognised borders, with guaranteed human rights and fundamental freedoms for all, and with a restructured, market-oriented economy, a commitment to free trade, strong economic and political relations with its neighbours, and developing links with the European Union. Meeting in London on 4 and 5 December 1996, the Peace Implementation Council reaffirms its commitment to these objectives, to be achieved through full implementation of the General Framework Agreement for Peace in Bosnia and Herzegovina and its Annexes (the "Peace Agreement"). It recalls the conclusions of the PIC Review Conference in Florence on 14 June 1996 and of the Ministerial Meeting of the Steering Board with the Presidency of Bosnia and Herzegovina in Paris on 14 November 1996, and welcomes the substantial progress made in the past year. In particular:

* peace has taken root: in 1996, no Bosnian has died in military conflict;

* elections have been held, with the participation of 2.4 million citizens;

* barriers to freedom of movement have begun to be dismantled;

* the establishment of the new multi-ethnic common institutions, most recently the setting up of the Council of Ministers, has begun;

* reconstruction is underway.

2. The next stage is to build upon the achievements of the past twelve months: to consolidate peace; to encourage reconciliation and economic, political and social regeneration; to take the radical steps necessary to restore a multi-ethnic Bosnia and Herzegovina to economic health and prosperity and to enable it to take its place in the region and in Europe.

3. These objectives require the full commitment of all the leaders of Bosnia and Herzegovina and its two Entities (Federation of Bosnia and Herzegovina and Republika Srpska). There are important areas of the Peace Agreement where little progress has been made. Of the 2.1 million citizens who have been displaced or become refugees, only 250,000 have returned. Human rights abuses continue: people are still being expelled from their home areas for ethnic reasons and homes are still being destroyed. People are still being harassed when exercising their right to move freely around the country. Progress in reconstruction has been hampered by the failure of the authorities in Bosnia and Herzegovina to provide all the necessary mechanisms and structures to maximise the effectiveness of the international community's efforts. Some of the new common institutions have not yet been constituted. Persons indicted for war crimes by the International Criminal Tribunal for the Former Yugoslavia have not been surrendered to stand trial in The Hague. Agreed weapons reductions have still not been implemented. Mines have not been cleared.

4. While the Peace Implementation Council is committed to the peace process, responsibility for reconciliation lies with the authorities and citizens of Bosnia and Herzegovina, who must progressively take charge of their own affairs. The Council's willingness to devote human and financial resources is dependent upon a strengthened commitment from the authorities in Bosnia and Herzegovina to implementation of the Peace Agreement. Specific criteria for this conditionality are set out in the texts following this summary. The Republic of Croatia and the Federal Republic of Yugoslavia, as parties to the Peace Agreement and immediate neighbours, must continue to work for a peaceful, united and stable Bosnia and Herzegovina and for a normal and constructive relationship

between themselves and with Bosnia and Herzegovina, including the early establishment of diplomatic relations. In particular the Council expects full cooperation from them on regional stabilisation, human rights, indicted persons and refugee return.

5. Following the development in Paris on 14 November 1996 of guiding principles for the two-year civilian consolidation plan, the Peace Implementation Council has approved at this conference the following Action Plan for the coming twelve-month period:

* regional stabilisation: continuing substantial progress in the implementation of confidence- and security-building measures (Article II Agreement) and ensuring full implementation of the Agreement on sub-regional arms control (Article IV) by the agreed deadlines, including full implementation of the baseline validation inspections, correct reporting, proper application of counting rules and completion of first phase reductions by 31 December 1996 and second phase reductions by 31 October 1997, in close cooperation with the Personal Representatives of the OSCE Chairman-in-Office for both Agreements;

* human rights: respecting the highest level of internationally recognised human rights and fundamental freedoms and ensuring that the authorities in Bosnia and Herzegovina cooperate fully with the Ombudsman and the Human Rights Chamber and implement their conclusions and decisions;

* war crimes: ensuring that all states and Entities concerned execute arrest warrants against indictees and surrender them to the Tribunal without further delay; injecting extra resources into the Tribunal to improve its investigative capacity; insisting on full cooperation with Tribunal investigations and requests for information; insisting on full compliance with the "Rules of the Road" agreed in Rome on 18 February 1996;

* democratisation: setting up effective institutions without delay; amending laws inconsistent with the Constitution; creating the conditions for a viable and democratic civil society;

* refugees and displaced persons: creating and maintaining conditions to encourage the return of refugees and displaced persons to places of their choice in either of the two Entities;

* freedom of movement: creating urgently an integrated strategy and a task force to secure full compliance with the freedom of movement requirements of the Peace Agreement; encouraging full respect for the "rules of the road"; elimination of laws and regulations which inhibit free movement; establishment of a national number-plate system; extension of cross-Entity road and rail services; agreement on a linked telecommunications system and a commonly-administered airspace for Bosnia and Herzegovina;

* elections: holding municipal elections by summer 1997, supervised by the OSCE; promoting a politically open electoral environment, including full participation by opposition parties and equitable access to mass media;

* policing: improving the effectiveness of the International Police Task Force (IPTF) by allowing it to investigate or assist with investigations into allegations of misconduct by police and to propose the sanctioning of offenders; ensuring police reform and providing material and financial support conditional upon implementation of democratic policing principles and cooperation with the IPTF; obtaining additional resources from the international community;

* market economy: constructing a market economy based on respect for free market and open trading principles; instituting a legal framework including passage of central and Entity budgets; agreeing an IMF stabilisation programme;

* reconstruction: insisting on continued linkage between the provision of reconstruction assistance and the authorities'

commitment to implementation of the Peace Agreement; giving high priority to those reconstruction projects which link and integrate the Entities, foster refugee return and create jobs; ensuring action by the authorities to enable early agreement on an IMF stabilisation programme which will encourage both substantial debt relief by the Paris and London Clubs and a positive response from the international community and the international financial institutions at the 1997 donors' conference; the distribution of aid on an equitable basis consistent with real needs throughout Bosnia and Herzegovina, conditional upon support for implementation of the Peace Agreement; recognition of the need for quicker disbursement, including disbursement of the vast majority of 1996 pledges by June 1997, and rapid commitment of 1997 pledges with disbursement of a significant percentage of these by the end of 1997, provided the authorities of Bosnia and Herzegovina cooperate;

* Central Bank: ensuring that the Central Bank is operational by early 1997; adoption of legislation and agreement on the practical arrangements for the new currency;

* mine removal: ensuring that the authorities in Bosnia and Herzegovina commit resources, waive taxation on humanitarian assistance and cooperate by providing complete information to the United Nations Mine Action Centre; implementing as soon as possible in 1997 an effective and extensive civilian mine clearing operation;

* reconciliation: adoption of legislation and other measures to encourage tolerance and equality and to secure basic rights; adoption of a Bosnia and Herzegovina flag and symbols; agreement on all Ambassadors representing Bosnia and Herzegovina;

* media: developing a media regulatory framework consistent with OSCE standards; providing the necessary licences and facilities to enable the Open Broadcast Network, TV-IN, as well as other independent broadcasters, to operate free of arbitrary interference;

* education: the restoration of educational systems and their transformation into systems which are open and non-discriminatory, teach democratic values and respect for human rights and recognise and respect the cultural heritage of all the peoples of Bosnia and Herzegovina;

* Brcko Area: re-commitment of the authorities in Bosnia and Herzegovina to unequivocal support for the arbitration of the Brcko Area and the Tribunal process, and to full implementation of the arbitration decision;

* customs: adoption of a customs law and a customs tariff law, coordination of customs procedures and administration between the Entities and removal of internal barriers to trade; facilitation of external trade through establishment of border crossing points along the entire state border line where appropriate.

6. The authorities in Bosnia and Herzegovina acknowledge their individual responsibilities to fulfil their obligations, and accept that any failure to do so by another party does not release them from these obligations.

7. The Peace Implementation Council, recognising Bosnia and Herzegovina's wish for a close relationship with the European Union, welcomes the European Commission's intention to consider proposing a contractual relationship between the European Union and Bosnia and Herzegovina.

8. The Council also confirms the continuation of the mandate of the High Representative, with reinforced co-ordination structures, including in the field of reconstruction.

9. The texts following this summary set out more detailed goals and targets for peace implementation, agreed by Bosnia and Herzegovina and the two Entities, the Federation of Bosnia and Herzegovina (the Federation) and Republika Srpska (referred to throughout these Conclusions as "the authorities in Bosnia and Herzegovina"), and endorsed by the Republic of Croatia and the Federal Republic of Yugoslavia. The texts

also contain detailed commitments of support from the Peace Implementation Council, conditional upon continued adherence by the authorities in Bosnia and Herzegovina to the full implementation of the Peace Agreement. A further meeting of the Peace Implementation Council will be held towards the end of 1997, with a review at mid-term.

10. Recognising the fundamental importance of a secure environment to the task of civilian implementation during 1997, the Council, including the authorities in Bosnia and Herzegovina, welcomes the decision made in principle by NATO members, in cooperation with other states participating in IFOR, to provide a smaller multinational stabilisation force (SFOR) in 1997 under the same robust rules of engagement as IFOR. By contributing to a secure environment for the Action Plan set out in these Conclusions, SFOR will make a vital contribution to the peace process in Bosnia and Herzegovina.

II. REGIONAL STABILIZATION

11. In accordance with the agreement reached at Paris on 14 November 1996, the Council underlines the importance of pursuing control of armaments at the lowest possible level of weapons, and of implementing fully and without delay the agreements signed in Vienna on 26 January 1996 and in Florence on 14 June 1996.

Article II Agreement: Inter-Entity Confidence- and Security-Building Measures

12. The Council welcomes the substantial progress made in establishing inter-Entity confidence- and security-building measures and looks forward to full implementation of the Article II Agreement. It congratulates the two OSCE Personal Representatives for Article II on their achievements.

13. The Parties to the Article II Agreement undertake to move rapidly to full implementation.

Article IV Agreement: Sub-Regional Arms Control

14. The Council welcomes progress made towards implementation of the Article IV Agreement, but deplores continued delays over full implementation of the baseline validation inspections and the first phase of reductions. It congratulates the OSCE Personal Representative for Article IV on his achievements.

15. The Parties to the Article IV Agreement reconfirm their obligation to cooperate fully with each other and with the OSCE in avoiding any circumvention and adhering to the implementation timetable. The Parties undertake to:

* submit on or before 16 December 1996 an additional information exchange giving precise, comprehensive and accurate data about their weapons holdings on the day of submission;

* adjust their reduction liabilities where necessary to bring them into line with this data exchange and to ensure that exemptions are claimed for no more than 5% of the total holdings under the counting rules in Article III of the Agreement;

* for the Parties which have not yet completed their first phase reductions, submit by 16 December 1996 complete reduction plans for 1996 covering at least 20% of the total reduction liability for tanks and ACVs; and at least 40% of the total reduction liability for the other categories of weapons limited by the Agreement;

* complete first phase reductions by 31 December 1996;

* ensure that the data on 1 January 1997 weapons holdings submitted on 16 December 1996 under the terms of the Agreement is based on rigorous compliance with the above four commitments;

* complete all reductions by 1 November 1997;

* resolve immediately differences which are impeding the smooth running of the inspection regime.

16. The Council recommends that the OSCE Personal Representative under Article IV should remain as Chairman of the Sub-Regional Consultative Commission until the end of 1997.

Article II and IV Agreements

17. The Council recommends that the assessment of the OSCE Personal Representatives of the Parties' progress in implementing the Article II and Article IV Agreements be taken into account by IFOR/SFOR when deciding whether to grant permission to withdraw equipment from cantonments or to hold exercises; that permission may not be granted to Parties if they have not met agreed reduction targets; and that permission may not be granted to Parties which, in the opinion of the OSCE Special Representatives, are hindering implementation.

18. The Council welcomes the close co-operation between OSCE and IFOR in their efforts to assist the Parties to the Agreement towards meeting their obligations. The Council looks forward to

similar co-operation between OSCE and SFOR in 1997.

19. The Council welcomes the substantial assistance which the Parties have received to implement the Article II and Article IV Agreements, and undertakes to provide further assistance where needed, co-ordinated through the OSCE.

Article V: Regional Arms Control

20. With respect to regional arms control, and following satisfactory progress in the implementation of the Article II and Article IV Agreements, the Council calls for efforts to continue to promote the implementation of Article V of Annex 1-B of the Peace Agreement under the auspices of the OSCE Forum for Security Cooperation.

III. HUMAN RIGHTS AND WAR CRIMES

21. The Council supports the central role of the High Representative in chairing the Human Rights Task Force, which brings together the organisations and agencies involved in the implementation of the Peace Agreement.

22. The Council recalls the obligation of the authorities in Bosnia and Herzegovina to secure to all persons within their jurisdiction the highest level of internationally recognised human rights and fundamental freedoms. The authorities in Bosnia and Herzegovina undertake to meet their human rights commitments in the Peace Agreement, in particular through:

* full cooperation with the Ombudsman and the Human Rights Chamber by authorities at all levels, and implementation of their conclusions and decisions;

* direct application of the rights and freedoms set forth in the European Convention for the Protection of Human Rights and Fundamental Freedoms;

* promotion and encouragement of activities of non-governmental organisations and international organisations for the protection and promotion of human rights.

23. The Council recalls the obligation of Bosnia and Herzegovina to remain or become party to the human rights agreements listed in Annex I to the Constitution of Bosnia and Herzegovina, and urges that this be done at an early date. The Council notes the intention of Bosnia and Herzegovina to develop rapidly a genuinely independent judiciary enforcing the rule of law, and urges the authorities in Bosnia and Herzegovina to take specific steps to turn their commitment to ensure the highest level of internationally recognised human rights into a reality (as required by Article II(6) of the Constitution).

24. The Council of Europe stands ready to contribute to

the re-establishment of the rule of law, the development of an independent judiciary and of police forces operating according to democratic policing principles.

25. The Council notes with serious concern that widespread violations of human rights continue in Bosnia and Herzegovina. The elimination of such violations remains vital to the achievement of a lasting peace.

26. The Council reaffirms that without consistent progress in implementing internationally acceptable standards of human rights in Bosnia and Herzegovina, the international community will not maintain its level of commitment of human and financial resources for reconstruction.

27. The Council therefore calls upon the authorities in Bosnia and Herzegovina to continue to cooperate with the United Nations Commission on Human Rights, the United Nations High Commissioner for Human Rights, the OSCE, the Council of Europe and other intergovernmental or regional human rights missions or organisations monitoring the human rights situation in Bosnia and Herzegovina and contributing to reconciliation among all peoples in the country. The Council welcomes international support for the work of the Ombudsman and the Human Rights Chamber and calls upon Bosnia and Herzegovina to fulfil its obligation to bear the expenses of these bodies. The Council calls for continued support for the Federation Ombudspersons and continued provision by the international community of advisory services and technical cooperation to non-governmental organisations and Bosnia and Herzegovina institutions.

War Crimes

28. The Council reaffirms its strong support for the International Criminal Tribunal for the Former Yugoslavia in

carrying out its responsibilities for dispensing justice impartially under the terms of the Peace Agreement. The Council agrees that it will:

- increase pressure on the authorities in Bosnia and Herzegovina and other states, particularly those which have failed to comply with arrest warrants issued by the Tribunal, to cooperate fully with the Tribunal, including by surrendering indictees and providing information to assist in Tribunal investigations. The authorities in Bosnia and Herzegovina will continue to submit all cases involving suspected war crimes to the Tribunal for review prior to arrest or prosecution before national courts;

- provide additional resources to the Tribunal. These resources will be used to enhance information-sharing between the Tribunal, governments and law enforcement agencies, to increase the information-gathering capacity of the Tribunal in relation to all indictees and to provide the necessary material and personnel resources to the Tribunal to carry out its obligations under the Statute and under the "Rules of the Road".

29. The Council charges the Steering Board to consider what further measures can be taken to facilitate the delivery of indictees to the Tribunal for trial.

30. As stated in the Paris Conclusions, the provision of economic reconstruction assistance is closely linked to cooperation in this area. The authorities in Bosnia and Herzegovina are reminded that their obligations under international law take precedence over any provisions in their local or national legislation.

31. The Council emphasises that no indicted person who has failed to comply with an order of the Tribunal may stand as a

candidate or hold any appointive, elective or other public office at any level, including military office, in the territory of Bosnia and Herzegovina.

32. The Council notes the agreement of the authorities in Bosnia and Herzegovina that no member of the House of Peoples, the House of Representatives, the Presidency or the Council of Ministers will be prosecuted, arrested or detained, without the consent of the Parliamentary Assembly, unless that person is under indictment by the Tribunal or caught in the act of committing a serious offence.

The Missing

33. The Council welcomes the commitment by the International Committee of the Red Cross (ICRC) to complete by the end of 1996 a list containing all available information on people reported missing, and calls upon the authorities in Bosnia and Herzegovina to provide information and other assistance to the ICRC to help the tracing process.

34. The Council welcomes the commitment of the ICRC to provide an individual response to each tracing request, detailing the measures which have been undertaken to trace the missing.

35. The authorities in Bosnia and Herzegovina have undertaken to provide a suitable legal framework to regularise the legal circumstances of the families of those missing presumed dead once a response to a tracing request has been provided by the ICRC.

36. The authorities in Bosnia and Herzegovina have agreed to allow one another immediate access to potential burial sites for the process of exhumation and retrieval of bodies. The Council stresses the importance of coordinating the many

initiatives being undertaken which involve exhumation. In this context it welcomes the central role being played by the Working Group on the Process for Tracing Persons Unaccounted For chaired by the ICRC, and by the Expert Group on the Missing and Exhumation chaired by the High Representative, and commends the efforts of the United Nations Expert on Missing Persons.

37. The Council welcomes the initiative taken by the International Commission on Missing Persons in the Former Yugoslavia (ICMP) to work with the ICRC, the Office of the High Representative and others to secure full cooperation of the Federal Republic of Yugoslavia, the Republic of Croatia and the authorities in Bosnia and Herzegovina in providing information on the missing.

Prisoners

38. The Council calls for an end to the continuing practice of arbitrary arrest and detention which, along with the threat of war crimes charges, substantially impedes freedom of movement. The Council further calls upon the responsible authorities to release all persons detained for war crimes in cases which are not submitted for review to the Tribunal.

39. The Council welcomes the agreement of the authorities in Bosnia and Herzegovina to continue to grant to the ICRC and International Police Task Force unimpeded access to all places of detention and to all prisoners held in relation to the conflict and its consequences, including prisoners indicted or convicted for violations of international humanitarian law.

IV. CONSTITUTIONAL AND LEGAL MATTERS AND ELECTIONS

Bosnia and Herzegovina and the Entities

40. The Council welcomes the establishment of some of the common institutions of Bosnia and Herzegovina, and urges that the remaining institutions be established without delay. The authorities in Bosnia and Herzegovina are committed to cooperating in the working of these institutions at all levels and to complying scrupulously with the Constitution and the rule of law.

41. The Council underlines that all the political bodies elected on 14 September 1996 must respect the right of persons duly certified as elected by the OSCE to participate fully in the work of those bodies, irrespective of their religious beliefs.

42. The Council stresses the importance of further decisions to implement the Constitution, including agreement on a flag and other symbols of Bosnia and Herzegovina by 15 February 1997.

43. The Council welcomes the progress made in implementing the Constitutions of the Federation of Bosnia and Herzegovina and Republika Srpska. It expresses satisfaction that the Federation of Bosnia and Herzegovina and Republika Srpska have made most of the key changes to their Constitutions necessary to ensure conformity with the Constitution of Bosnia and Herzegovina and calls for the remaining changes to be made promptly referred quickly to the Constitutional Court.

44. The Council recalls that, in accordance with the Constitution of Bosnia and Herzegovina, the exercise of the right of each Entity to establish special parallel relationships with neighbouring states must be consistant with the sovereignty and territorial integrity of Bosnia and Herzegovina.

Federation of Bosnia and Herzegovina

45. The Council considers that a fully operational Federation of Bosnia and Herzegovina remains an essential prerequisite for peace and a cornerstone for the successful implementation of the Peace Agreement. To this end, comprehensive implementation of existing Federation agreements must be pursued with vigour.

46. The Council welcomes recent progress in the establishment of Federation structures, especially the convocation of the Cantonal and Federation Assemblies, the designation of the Federation representatives to the Bosnia and Herzegovina House of Peoples, the establishment of the Supreme Court of the Federation, the laws on the Federation flag and coat of arms, and the agreement on the future organisational structures of Sarajevo. The Council urges the Federation Assembly to adopt the proposal for the establishment of the Federation Implementation Council, as agreed at the Federation Forum in Washington on 14 May 1996.

47. The Council urges all those with political responsibility in the Federation to press strongly for the rapid election and appointment of the highest Federation executive officials, and the full integration of administrative, judicial and economic structures on both the Cantonal and the Federation level. Special attention must be given to the implementation of the future organisational structures of Sarajevo.

48. The Council reaffirms that all administrative and other structures in the Federation must now be fully and irreversibly integrated, and calls for the immediate dissolution, or where appropriate transfer to the Federation, of remaining structures of the so-called Croatian Republic of Herceg-Bosna or the Republic of Bosnia and Herzegovina which are not in accordance with the Constitution. In particular the Council deplores the taking over by so-called Herceg-Bosna authorities in Mostar of premises designated for the interim use of the city administration, along with any other actions which have the effect of preventing the effective functioning

of the legitimate city authorities.

49. The Federation authorities have agreed to take the necessary measures to ensure full respect for law and order throughout the city of Mostar, the effective operation of joint police, the effective functioning of the unified City Council in Mostar, the provision of adequate accommodation for the city administration in accordance with previous agreements, and the ending of restrictions on access to public assets by Federation officials.

Arbitration of the Brcko Area

50. The Council underlines the obligation of the parties, under the Peace Agreement, to accept the decisions of the Arbitration Tribunal on the issue set out in Article V of Annex 2. It requires the Federation of Bosnia and Herzegovina and Republika Srpska to engage fully in the process in their own best interests. The Council calls upon all those concerned to respect the strategic importance of this question for the whole process of reconciliation within Bosnia and Herzegovina.

Elections

51. The Council welcomes the OSCE's decision to extend the mandate of the OSCE Mission to Bosnia and Herzegovina until 31 December 1997. The Council welcomes also the agreement of the authorities in Bosnia and Herzegovina to OSCE supervision of the preparation and conduct of the municipal elections to be held in 1997, and their agreement to extend the mandate of the Provisional Election Commission until the end of 1997. The Council invites the OSCE to begin work immediately so that the necessary preparations can be completed in good time, and to this end undertakes to support the OSCE's efforts. It calls upon the authorities in Bosnia and Herzegovina to agree by consensus by 31 January 1997 the detailed rules for the municipal elections and to cooperate fully with the OSCE and Provisional Election Commission. It notes the agreement of the authorities in Bosnia and Herzegovina that the municipal elections will be held by the summer of 1997.

52. The Council recognises the political and organisational complexities of the municipal elections. It therefore urges the OSCE, its Head of Mission and the High Representative to continue to coordinate closely and to work with SFOR, IPTF, UNHCR and other agencies on the planning and implementation of the elections process and the management of the post-election period, and on the mechanisms for any necessary election re-runs and the installation of the elected officials. The Council requests the Steering Board and the OSCE Head of Mission to meet quickly, with the appropriate agencies, to agree how best to take work forward in these areas.

53. The Council welcomes the agreement of the authorities in Bosnia and Herzegovina to create the permanent Election Commission, to be established by a law of the Parliamentary Assembly of Bosnia and Herzegovina, with responsibilities to conduct future elections in Bosnia and Herzegovina after the municipal elections have been held and the results certified. The Commission will include both government and opposition political parties. In its preparations for the 1998 elections the Commission will be supported by international experts, whose decision will be final in the event of genuine deadlock.

54. Recalling the decision to align the duration of the first term of each of the bodies elected on 14 September 1996 with the two-year first term of the Presidency, the Council further welcomes the undertaking of the authorities in Bosnia and Herzegovina to cooperate fully in ensuring the holding of free and fair elections in 1998. They have undertaken to comply with the recognised conditions for democratic elections referred to in Article I of Annex 3 of the Peace Agreement, to organise these and all other elections through the permanent Election Commission, and to accept assistance from the OSCE and international election observers. To this end the Parliamentary Assembly of Bosnia and Herzegovina and the legislatures of the Federation and Republika Srpska will adopt or amend election laws.

55. The Council welcomes the commitment of the authorities in Bosnia and Herzegovina to full, free and open political

debate, including full participation by and free access for all opposition parties to the mass media.

Standing Committee on Military Matters

56. The Council notes with satisfaction the commitment of the Presidency of Bosnia and Herzegovina to establish at an early date the Standing Committee on Military Matters (SCMM) provided for in the Constitution, to include the Members of the Presidency, the Defence Ministers of the Federation and Republika Srpska and the Chiefs of Staff of the Federation and Republika Srpska, with the participation as observers (for the duration of their terms of office) of the High Representative and the SFOR Commander. The Standing Committee on Military Matters will hold monthly meetings. Any member, and the High Representative and the SFOR Commander or their representatives, will have the right to request a meeting outside that schedule. In areas within the competence of the Joint Military Commission, the decisions of the Joint Military Commission will take precedence over those of the Standing Committee on Military Matters.

Foreign Affairs

57. The Council recalls the responsibility of the Presidency of Bosnia and Herzegovina for appointing Ambassadors under Article V.3(b) of the Constitution. In this context, the Council urges the Presidency to appoint any new or replacement Ambassadors by the end of March 1997. All Ambassadors will represent the Presidency as a whole and the Presidency must have confidence in their capacity to represent Bosnia and Herzegovina.

Laws

58. The Council urges the Parliamentary Assembly of Bosnia and Herzegovina to adopt at an early date laws on the Central Bank, passports, citizenship, foreign trade, foreign investment, customs tariffs, customs policy, immunity, Presidency vacancies and external state debt.

V. REFUGEES AND DISPLACED PERSONS

59. The Council reaffirms that a central requirement of the Peace Agreement is the creation and maintenance of suitable conditions for the early, safe and orderly return of refugees and displaced persons to their homes of origin or to other places of their choice.

60. The Council pays tribute to the efforts of host countries. It welcomes those 250,000 returns that have taken place since the signing of the Peace Agreement. It warmly commends the efforts of humanitarian agencies, including UNHCR, and donors, working with local authorities to focus resources and projects on designated priority areas to ensure that refugees from those areas have homes and rudimentary infrastructure to which to return. It commends the integrated approach of the European Commission in the Una Sana Canton. Depending on the results of this approach the European Commission intends to extend it to other areas.

61. The Council recognises that serious obstacles to return remain, and calls upon the authorities in Bosnia and Herzegovina to eliminate them, including where appropriate by the adoption of comprehensive amnesties, and to adhere to their commitments under the Peace Agreement.

62. The Council welcomes the decision of the United Nations High Commissioner for Refugees to convene a meeting of the Humanitarian Issues Working Group on 16 December 1996 to discuss a two-year strategic plan to facilitate the early, phased, safe and orderly return of refugees and displaced persons.

63. The Council calls for financial support to UNHCR to enable it to carry out the following programme of activities designed to set practical arrangements in place to smooth the path for individuals wishing to return:

* to implement a Comprehensive Plan of Action in cooperation with countries of abode and Bosnia and Herzegovina and the relevant international organisations, including the Office of the High Representative, to facilitate return;

* to target priority areas for return;

* to develop programmes for the integration of refugees and displaced persons opting to settle in areas of their choice other than their previous homes;

* to focus on local capacity building to build up alternative structures and democratic forces;

* to expand the Bosnian Women's Initiative;

* to provide accommodation for a further 60,000 to 75,000 returnees and relocatees by rehabilitating 12,000 to 15,000 houses and apartments in 1997;

* to provide basic reconstruction materials for home repair;

* to expand the programme of rehabilitation of healthcare and school buildings;

* to establish advice and information centres in Bosnia and Herzegovina and to provide repatriation advice for refugees in host countries.

64. The Council believes that it is necessary that decisions on economic reconstruction and the political efforts of the Office of the High Representative should take account of the importance of furthering the return of refugees and displaced persons and invites the UNHCR, the European Commission, the World Bank and the Office of the High Representative to work together to develop these links.

65. The Council welcomes the foundation on 30 October 1996 of the Coalition for Return, comprising associations of refugees and displaced persons from within and outside Bosnia and Herzegovina, including members of all communities. The Council takes note of the Coalition's statement of 24 November 1996, and supports the efforts of the Coalition to achieve the objectives of Annex 7 of the Peace Agreement. The Council calls on the authorities in Bosnia and Herzegovina and neighbouring countries to cooperate with the Coalition and to facilitate its work.

66. The Council agrees on the need for a regional approach to refugee issues. There are substantial problems in the countries of the region, not only in Bosnia and Herzegovina, but also in respect of the right of refugees to return to the Republic of Croatia and to the Federal Republic of Yugoslavia. The Council will monitor strictly the efforts of regional countries to alleviate the present refugee and displaced persons situation, to facilitate returns and to prevent further displacement, and will take further measures accordingly.

67. The Council welcomes the undertaking of the International Organisation of Migration to continue its activities facilitating the return of refugees residing outside the countries of the former Yugoslavia. The Council commends the excellent work of the World Health Organisation, the International Committee of the Red Cross, the Federation of Red Cross and Red Crescent Societies and many other non-governmental organisations in caring for refugees and displaced persons from Bosnia and Herzegovina.

68. The Council stresses the importance of the authorities in Bosnia and Herzegovina fulfilling their obligations with regard to freedom of movement in order to create conditions for refugee return. It notes that this will require close co-operation between the High Representative, IPTF, SFOR and the agencies involved.

69. The Council recognises that all the above tasks will require further support by the international community and calls for generous help for the work of the humanitarian agencies and others involved in the reconstruction process. In this connection, the Council takes note of the United Nations Consolidated Inter Agency Appeal for 1997. The Council urges agencies and governments concerned with reconstruction and development programmes to ensure where possible that such efforts meet the infrastructure needs required to facilitate the return of refugees and displaced persons, particularly to the UNHCR target areas.

70. The Council welcomes the establishment on 15 October 1996 by the High Representative, UNHCR, IFOR, IPTF and the European Commission of a Procedure for Return and Reconstruction in the Zone of Separation which satisfies both the right to return and the requirements for security. The Council urges the authorities in Bosnia and Herzegovina to give full support to this Procedure, to enable its practical implementation. Comparable arrangements should be developed as necessary elsewhere in Bosnia and Herzegovina.

71. The Council will strengthen its support for the work of the Commission for Real Property Claims of Displaced Persons and Refugees which decides claims for the return of property or for just compensation in lieu of property. The Council urges the authorities in Bosnia and Herzegovina to implement new property legislation in accordance with the Peace Agreement, and to repeal contradictory laws.

VI. FREEDOM OF MOVEMENT AND COMMUNICATION

72. The Council recalls the provision in Article I of the Constitution of Bosnia and Herzegovina on freedom of movement of persons, goods, services and capital throughout Bosnia and Herzegovina. The Council reaffirms the critical importance of this provision and requires that immediate practical steps be taken to enhance freedom of movement and communication. These objectives must be pursued vigorously to attract international investment. It therefore welcomes the commitment of the authorities in Bosnia and Herzegovina to take the following steps:

- full and immediate implementation of the Annex to the Agreed Statement of 2 June 1996 in Geneva, under which the authorities in Bosnia and Herzegovina agreed to recognise the validity of drivers' licences, registration plates, vehicle registration and vehicle insurance issued by both Entities; reach agreement on a uniform registration plate; and ensure that local authorities implement this fully;

- early progress on linking the telephone systems in Bosnia and Herzegovina, with a single international dialling code, including a sub-code for each Entity. As a first step, the authorities in Bosnia and Herzegovina agree to re-establish inter-Entity telephone connections making use of all available technical assistance. To this end, the Council decides that no new assistance will be offered to the telecommunications sector unless connections between the systems are included in these efforts;

- full observance of the "rules of the road" agreed in Rome on 18 February 1996;

- further immediate action to establish Bosnia and Herzegovina-wide bus and rail services;

- early establishment of a commonly-administered airspace for Bosnia and Herzegovina. Encouragement of civil domestic air services connecting the key cities in Bosnia and Herzegovina. In particular, the authorities in Bosnia and Herzegovina have recognised that there can be only one legal authority in Bosnia and Herzegovina dealing with civil aviation and airspace issues - the Bosnia and Herzegovina Civil Aviation Authority - and have undertaken to work collectively, on an equal basis, in this organisation.

73. The Council remains concerned at the lack of progress in this area. Further measures to promote freedom of movement must be developed, and sanctions considered for violations of rights guaranteed by the Peace Agreement. The Council decides that an integrated strategy will be implemented urgently to secure full compliance with the requirements of the Peace Agreement on freedom of movement, and requests the High Representative to form a task force of appropriate agencies and interested countries to develop the necessary action plan.

VII. POLICE ASSISTANCE

74. The Commissioner of the International Police Task Force (IPTF) briefed the Council on the continuing requirements to advise, train and assist law enforcement personnel in Bosnia and Herzegovina. The Council thanked the IPTF for its work since December 1995.

75. The Council emphasises that restoring law and order is essential to establishing a durable peace in Bosnia and Herzegovina.

76. The Council welcomes:

- the request of the authorities in Bosnia and Herzegovina that the United Nations Security Council extend the mandate of the IPTF for a further year, as an UNCIVPOL operation, to carry out the tasks set out in Annex 11 of the Peace Agreement;

- the reaffirmation by the authorities in Bosnia and Herzegovina of their undertaking in the Peace Agreement to cooperate fully with the IPTF;

- the undertaking of the authorities in Bosnia and Herzegovina to restructure local police forces in line with democratic principles and plans prepared under the guidance of the IPTF. Such plans will be submitted to the IPTF Commissioner by not later than 31 January 1997, and a progress report made by 31 March 1997, with quarterly reports thereafter;

- the agreement of the authorities in Bosnia and Herzegovina to implement the guidelines on democratic policing principles agreed with the IPTF, with full support for human rights;

* the agreement of the authorities in Bosnia and Herzegovina to accelerate vetting of police officers and to take prompt and effective action in respect of any officer who is notified to them by the IPTF Commissioner as failing to cooperate with the IPTF or failing to adhere to democratic policing principles;

* the agreement of the authorities in Bosnia and Herzegovina to investigate urgently with the assistance of the IPTF, or to facilitate an IPTF investigation into, cases in which a police officer or an official of any other law enforcement or judicial agency is accused of involvement in any violation of human rights or fundamental freedoms. The results of any such investigations will be reported to the concerned Entity and relevant international bodies;

* the agreement of the authorities in Bosnia and Herzegovina to make arrangements for joint policing, with personnel from both the Federation and Republika Srpska, to ensure the security of common institutions;

* the measures agreed between the IPTF and IFOR/SFOR to provide for the security of IPTF personnel.

77. The Council calls on the international community to provide the personnel, equipment and support required to maintain the IPTF; requests that contributing nations assure the highest possible level of quality and experience of their candidates; encourages contributions of personnel to IPTF; and requests the IPTF to carry out the tasks set out in Annex 11 of the Peace Agreement, and in particular to:

* provide advice and training to assist in the restructuring of local police forces in accordance with the plans referred to above and in line with the democratic policing principles established under the authority of the IPTF; this includes advice on selection, promotion and dismissal of officers and supervisors;

* provide in particular training for senior officers from the local police forces and for trainees from the law enforcement training institutions, in areas of specialist expertise including operations against drugs and organised crime, human rights and public order policing;

* follow up the United Nations programme of assistance for the local police forces guided by the Conference on the IPTF held in Dublin on 28 September 1996, which called for significant donor contributions, including equipment. This support will only be given to those police forces carrying out restructuring plans following IPTF guidelines and democratic principles;

* monitor the treatment of persons detained by the local police or the military authorities or imprisoned by the judicial system, to ensure their right to due process is respected and enforced, including monitoring prisoners where necessary at any detention or prison facility;

* continue to work with IFOR/SFOR and the Entity police forces in coordinating plans for response to threats to local public safety and security;

* carry out investigations of human rights abuses by law enforcement officers.

VIII. ECONOMIC DEVELOPMENT AND RECONSTRUCTION

78. The Council recognises that the primary responsibility for the economic development of Bosnia and Herzegovina rests with the people and authorities of the country. Successful economic development will depend on the adoption of sound, market-based economic policies and the establishment of effective institutions. To encourage the achievement of a self-sustaining economic structure, the emphasis of the international community will gradually switch from reconstruction aid to support for appropriate economic policies and reforms.

79. The Council notes that:

* the authorities in Bosnia and Herzegovina have committed themselves to ensuring that the Central Bank will be operational as early as possible in 1997 in order to carry out the tasks set out in Article VII of the Constitution, on the basis of a Central Bank law approved by the Parliamentary Assembly;

* the authorities in Bosnia and Herzegovina are committed to restructuring their economies on the basis of market-oriented economic policies and significant privatisation of publicly-owned companies, and to establishing a sustainable fiscal framework which addresses revenue and expenditure responsibilities for all levels of government, including external debt obligations, and provides for reform where necessary and harmonisation of customs practices, tariffs, duties and tax policies;

* the authorities in Bosnia and Herzegovina agree to take urgent practical steps to ensure full freedom of movement of persons, goods, services and capital throughout Bosnia and Herzegovina, which is an essential condition for promoting

inter-Entity trade and economic development. This includes the establishment of a fully functioning customs service in each of the Entities which should operate on the basis of the customs policies and tariffs to be agreed by the common institutions, facilitating establishment of border crossing points along the entire state border line where appropriate, as well as an effective and fully functioning payments system;

* Bosnia and Herzegovina has undertaken to develop urgently a foreign trade policy with the aim of promoting an open trading policy and encouraging inward investment;

* the authorities in Bosnia and Herzegovina have agreed to cooperate closely with the IMF, the World Bank, the European Commission and the Office of the High Representative on structural reform, and with the IMF in maintaining financial stabilisation, undertaking institutional reform and developing their long-term economic strategy, with the aim of agreeing an IMF-supported economic adjustment programme as soon as possible.

80. The Council welcomes the commitment of the authorities in Bosnia and Herzegovina to passing laws to implement the commitments set out above, whether at the central or Entity level, including legislation on the 1997 budgets and fiscal framework, external debt, foreign trade, tariffs, foreign investment and banking. It also welcomes their undertaking to establish at the central and Entity levels the legal framework for a market-oriented economy, including in the areas of property and contract rights and labour law.

81. The Council commends the work of the donor community in Bosnia and Herzegovina in 1996, including the World Bank and the European Commission. It recognises that the future economic development of Bosnia and Herzegovina will require further support from the international community. Such support will be forthcoming during the consolidation period, on condition that the authorities in Bosnia and Herzegovina comply fully with the provisions of the Peace Agreement, as well as the commitments on economic development undertaken at this Conference.

82. The Council stresses that, while there is a continuing need for reconstruction assistance from the whole donor community, especially in key areas such as utilities, transport and telecommunications infrastructure and housing, the primary objective of future assistance should be to promote the economic development of Bosnia and Herzegovina, including durable employment, structural reform and programmes that link and integrate the Entities. To this end, it endorses the indications given by the World Bank and the European Commission with respect to their programmes for Bosnia and Herzegovina for 1997. It also welcomes the fact that the European Commission has begun discussions with Bosnia and Herzegovina on the possibility of establishing a contractual relationship between Bosnia and Herzegovina and the EU, designed to promote closer trading links.

83. The Council encourages the international community to consider substantial debt relief for Bosnia and Herzegovina in the appropriate fora, including the London and Paris Clubs, once an appropriate package of economic reforms has been agreed with the IMF.

84. The Council underlines that the success of all forms of economic assistance depends on that assistance being well targetted and properly implemented, and stresses the need for the closest possible cooperation between the authorities in Bosnia and Herzegovina, the international financial institutions, other relevant international organisations and bilateral donors.

IX. MINE REMOVAL

85. The Council notes that although the efforts of the international community, working with the United Nations-directed Mine Action Centre (MAC), have put in place a command and control infrastructure for future demining operations, the demining programme for Bosnia and Herzegovina has made insufficient progress. It recalls the responsibility of the authorities in Bosnia and Herzegovina for the long-term task of demining. In particular, it welcomes the agreement of the authorities in Bosnia and Herzegovina to establish a fully representative Bosnia and Herzegovina Commission for Demining by 31 January 1997. This Commission, assisted by the MAC, will channel resources for mine clearance to the Entities who, in 1997, should have extensive and efficient civilian mine clearing operations underway. The Commission will also maintain a central data-base and mapping facility, set standards for mine clearance operations and coordinate mine clearance projects which cross the Inter-Entity Boundary Line.

86. The Council notes that the Entities will adhere to the standards set by the Bosnia and Herzegovina Commission. The Entities, in cooperation with the Commission and the MAC, will set up Regional Centres for demining in Banja Luka, Bihac, Mostar and Tuzla by 28 February 1997.

87. In order to improve upon progress in 1996, the Council requires the authorities in Bosnia and Herzegovina to:

* use their military forces for demining according to internationally recognised standards;

* assist the MAC by providing data and assigning priorities to proposed demining projects;

* support the demining effort by exempting all aspects of demining operations from taxes and customs duties.

88. **The Council urges the authorities in Bosnia and Herzegovina to:**

*** reach agreement with the MAC for the transfer of facilities from the MAC's central and regional offices to the authorities in Bosnia and Herzegovina by 31 December 1997;**

*** nominate qualified candidates for MAC coordinated training programmes;**

*** devise a plan to reduce their holdings of anti-personnel mines by 1 October 1997, and in the meantime not to acquire additional stocks of mines.**

X. INDEPENDENT MEDIA

89. **The authorities in Bosnia and Herzegovina reaffirm their commitment to the right to freedom of expression set out in the European Convention for the Protection of Human Rights and Fundamental Freedoms and the International Covenant on Civil and Political Rights. The authorities acknowledge that freedom of expression, including a free and independent media, is an essential precondition for ensuring a democratic society in Bosnia and Herzegovina. The authorities undertake to:**

*** agree a new legal framework which will enable the authorities in Bosnia and Herzegovina to facilitate the creation and operation of independent broadcasting stations and networks throughout Bosnia and Herzegovina. Transparent and non-discriminatory procedures will be established by the authorities in Bosnia and Herzegovina, who are supplied by the ITU with frequencies, for licences to be issued to such stations and networks, whether they are granted at national, Entity or Cantonal level. The authorities in Bosnia and Herzegovina have a particular responsibility for ensuring that cross-Entity networks have the opportunity to receive frequencies, and they will look favourably on all such applications;**

*** take the necessary measures so that technical equipment and programming material for such stations and networks are exempt from customs duties or other import taxes;**

*** issue the necessary licences to enable the Open Broadcast Network (OBN) and TV-IN to operate throughout Bosnia and Herzegovina and to permit the establishment of additional facilities to enable OBN and TV-IN to be received throughout Bosnia and Herzegovina;**

*** issue the necessary licences to enable OBN and TV-IN to broadcast throughout Bosnia and Herzegovina. The Entities will ensure that additional facilities can be established to enable programming to be received throughout Bosnia and Herzegovina;**

* ensure that any laws and regulations governing the media are fully consistent with relevant international agreements, respect the right to freedom of expression and are applied in a non-discriminatory way;

* agree a new legal framework which will permit the establishment and circulation of newspapers, magazines and other published material by repealing all restrictive laws or administrative regulations governing the right to set up newspapers, magazines and other published material and by permitting the import of equipment, other necessary material and newsprint without restriction.

90. The Council recognises the pressing importance of independent media questions and agrees on the need to contribute to the funding of the second phase of the Open Broadcast Network project under its two-year consolidation plan. The Council welcomes the reinforced role of the Office of the High Representative in co-ordinating assistance to the independent media.

91. It also welcomes the intention of the European Commission to contribute to the drawing up of a longer-term framework for media development, following on the recommendations of the Conference on the Role of the Media in Support of the Peace Process in the Former Yugoslavia, organised by the Commission on 29 November.

XI. BOSNIA AND HERZEGOVINA AND THE EUROPEAN INSTITUTIONS

92. The Council reaffirms that Bosnia and Herzegovina's future lies in participation in a European family of nations committed to democratic principles, free markets and open trading policies.

93. The Council notes the conclusions of the Council of Ministers of the European Union on 28 October 1996, concerning future relations between the European Union and countries of the former Yugoslavia. It notes in particular that the development of these relations will be conditional upon full support for the Peace Agreement, including respect for Bosnia and Herzegovina as an independent, democratic, multi-ethnic state with secure borders. Respect for democratic norms and human and minority rights are key factors in the implementation of this approach.

94. In this context, the Council welcomes the European Union's intention to consider proposals from the European Commission, in the light of its ongoing discussions with the authorities of Bosnia and Herzegovina, for a contractual relationship between the European Union and Bosnia and Herzegovina.

95. The Council recalls Bosnia and Herzegovina's application to become a full member of the Council of Europe, in which it expressed its readiness to respect the rule of law and the enjoyment by all persons within its jurisdiction of human rights and fundamental freedoms. It encourages the efforts of Bosnia and Herzegovina, with the support of the international community, towards forming a democratic society which will meet Council of Europe membership standards at the earliest possible moment.

XII. COORDINATION STRUCTURES

96. The Council congratulates the High Representative and his staff on their exceptional achievement in Bosnia and Herzegovina in 1996. The High Representative's contribution has been crucial to the civilian implementation achievements of the last twelve months.

97. The Council agrees that civilian implementation tasks will be of the highest priority in 1997, and welcomes the fact that the High Representative's co-ordination structures established in the Peace Agreement and elaborated in the Conclusions of the 1995 London Peace Implementation Conference and the 14 November 1996 Paris Ministerial Meeting of the Steering Board will continue on a reinforced basis in 1997.

98. The Council undertakes to do everything possible to meet requests from the High Representative for staff and other support.

99. The Council further decides that:

- the Peace Implementation Council (PIC) will continue in 1997 as the overall structure supervising peace implementation in Bosnia and Herzegovina;

- the Steering Board of the PIC will continue to provide the High Representative with political guidance on peace implementation. It will continue to meet monthly, inviting representatives of relevant international organisations to attend as appropriate.

- in the event of a vacancy, following consultation with members of the PIC, the Steering Board will designate a High Representative.

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100. On funding, the Council agrees that Governments that second staff to the High Representative will continue to bear the cost of salaries and any other national emoluments. Governments sending representatives to attend meetings called by the High Representative will bear the cost of travel and accommodation. A budget to cover the future operational costs of the PIC, notably the cost of the headquarters and offices of the High Representative, will be funded on the key agreed by members of the Steering Board, together with voluntary contributions from other members of the PIC.

101. The Council, recalling the Paris Conclusions, agrees that:

- the High Representative will be based in Sarajevo with a subsidiary office in Brussels;

- the High Representative will continue to chair the Steering Board, Principals' meetings in Sarajevo, the Economic Task Force and other meetings with key implementation agencies;

- the High Representative will open regional offices throughout Bosnia and Herzegovina as circumstances require, and subject to resource constraints;

- the High Representative will report periodically to the United Nations Security Council, copying his report to the authorities in Bosnia and Herzegovina;

- the High Representative will have the authority to make recommendations to the authorities in Bosnia and Herzegovina and the PIC.

102. The Council underlines the importance of providing an economic and political framework for the international community's work on reconstruction. It therefore:

- welcomes the undertaking of the international agencies to continue to hold regular meetings of their senior representatives in Sarajevo in the framework of the Economic Task Force, under the chairmanship of the High Representative, and of all donors to endeavour to implement the conclusions of the Economic Task Force on the priorities and principles of international reconstruction assistance, taking into account their mandates, policies and procedures;

- notes that the Economic Task Force will monitor, report on and support the implementation effort with the objective of helping to avoid duplication, accelerating disbursement of pledged funds, ensuring coverage of priority projects and eliminating obstacles created by the authorities in Bosnia and Herzegovina to the timely completion of projects;

- welcomes the agreement of the World Bank, the European Commission, the EBRD and others to support the Economic Task Force, notably with secondment of personnel to its Secretariat.

103. The Council takes note of reports from the working groups on State Succession and Humanitarian Issues and on Ethnic and National Communities in Bosnia and Herzegovina and in Neighbouring Countries.

XIII. SECURITY MATTERS

104. The Council notes the successful completion of IFOR's mission. Recognising the continuing importance of a stable and secure environment, including for a continued civil effort in Bosnia and Herzegovina, the Council welcomes the confirmation by the Presidency, on behalf of Bosnia and Herzegovina, including its constituent Entities, of the following understandings:

* that Bosnia and Herzegovina welcomes a follow-on stabilisation force (SFOR) to be organised and led by the North Atlantic Treaty Organisation;

* that Bosnia and Herzegovina welcomes and invites action by the United Nations Security Council to continue the authorisation granted in paragraphs 14 to 17 of its resolution 1031 (1995) with respect to the follow-on force, and that it will co-operate fully;

* all other understandings as set out in the letter dated 29 November 1996 from the Secretary General of the North Atlantic Treaty Organisation.

105. The Council further welcomes the confirmation on behalf of the Republic of Croatia and the Federal Republic of Yugoslavia of corresponding understandings, and in particular notes the agreement of the authorities concerned to extend their commitments regarding access and status of forces, as set out in the letters attached to Annex 1-A of the Peace Agreement.

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LETTER DATED 5 DECEMBER 1996 FROM THE SECRETARY-GENERAL
ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL

I have the honour to convey to you the attached report which I received today from Ambassador Robert R. Fowler, Permanent Representative of Canada to the United Nations, pursuant to paragraph 11 of Security Council resolution 1080 (1996). I should be grateful if you would bring the text of the report to the attention of the members of the Council.

I also wish to refer to paragraphs 9 and 10 of resolution 1080 (1996), in which the Security Council requested me to report to it on the establishment of a voluntary trust fund for the purpose of supporting African participation in the temporary multinational force authorized under paragraph 5 of that resolution. The Trust Fund was established on 25 November 1996.

Several Member States have indicated their willingness to participate in the Fund. However, no contributions have been received so far, since the nature and size of the multinational force, on which the strength of the African participation would depend, is yet to be finalized. I should be grateful if you would also bring this matter to the attention of the members of the Security Council.

(Signed) Boutros BOUTROS-GHALI

Annex

Letter dated 5 December 1996 from the Permanent Representative of Canada to the United Nations addressed to the Secretary-General

I have the honour to submit a report on the multinational force for eastern Zaire. This report is submitted pursuant to the requirement set out in paragraph 11 of Security Council resolution 1080 (1996), in which the Council "requests the Member States participating in the multinational force to provide periodic reports at least twice monthly, through the Secretary-General, to the Council, the first such report to be made no later than 21 days after the adoption of this resolution".

I should be grateful if you would have the text of the present letter and the report (see enclosure) circulated as a document of the Security Council.

(Signed) Robert R. FOWLER
Ambassador
Permanent Representative

Enclosure

Report dated 5 December 1996 on the multinational force for eastern Zaire pursuant to Security Council resolution 1080 (1996)

1. Security Council resolution 1080 (1996) established a two-part mandate for the multinational force: facilitating the immediate return of humanitarian organizations and the effective delivery by civilian relief organizations of humanitarian aid to alleviate the immediate suffering of displaced persons, refugees and civilians at risk in eastern Zaire; and facilitating the voluntary, orderly repatriation of refugees by the United Nations High Commissioner for Refugees as well as the voluntary return of displaced persons.

2. Since the adoption of resolution 1080 (1996) on 15 November 1996, the situation on the ground in eastern Zaire has improved significantly. With the welcome voluntary repatriation of a large number of refugees to Rwanda and the increase in access, albeit limited, of humanitarian organizations in eastern Zaire, progress towards the fulfilment of both elements of the mandate has already been achieved. However, it is possible there might be an appreciable number of refugees and displaced persons in eastern Zaire who still require assistance, and the multinational force has been undertaking aerial and ground reconnaissance missions in order to obtain a clearer picture of the location, number, needs and intentions of the remaining refugees and displaced persons.

3. The Force Commander is working in close collaboration with humanitarian organizations. He has put in place a small civilian liaison team to advise him, comprising (a) a political adviser, (b) a humanitarian adviser and (c) a legal and human rights adviser. A civil-military operations centre has been opened in Entebbe. A reconnaissance party is currently establishing a forward liaison detachment in Rwanda near the Zairian border at Gisenyi to liaise with humanitarian organizations operating in the Gisenyi and Goma area and to facilitate contact with local authorities in the mountain region west of Lake Kivu. General Baril will continue to meet with parties in the region to negotiate increased access for humanitarian organizations farther into eastern Zaire. We are requesting all States with influence in the region also to assist in this regard, bearing in mind that the objectives of the mission are purely humanitarian.

4. The Force Commander has had numerous contacts with the Governments of Uganda, Zaire and Rwanda, and with other leaders in eastern Zaire, to solicit their support for the multinational force.

5. A Status of Forces Agreement has been concluded with the Government of Uganda, and multinational force headquarters have been established at Kampala. We are working on similar agreements with the Governments of Kenya and Rwanda, and we are in regular contact with the Government of Zaire to secure its full cooperation. An internationally staffed planning unit in Stuttgart, Germany, is operational. Currently there are 345 multinational force personnel in theatre in Uganda and Rwanda, with 32 military personnel in the planning group in Stuttgart.

6. The decision to deploy the multinational force was taken on 29 November 1996. Prior to that time, Canada had held a series of meetings with interested States in an effort to secure the international support needed to constitute the force. Several meetings involving all interested and participating Member States took place in New York and Ottawa. Countries wishing to participate in the military planning of the multinational force convened in Stuttgart. In Geneva, Canada brought together a number of countries to assist Rwanda in its efforts to absorb large numbers of refugees.

7. At a meeting in New York on 26 November for potential contributors, Canada sought agreement for the establishment of multinational force headquarters, enhanced reconnaissance and planning for, and possible implementation of, airdrops and, as eventually may be warranted and feasible, convoys with military escorts. Information was also sought on the precise nature of military or financial contributions.

8. More than 20 countries responded to Canada's appeal of 26 November for contributions to the multinational force. Canada's Minister for Foreign Affairs, Mr. Lloyd Axworthy, and the Minister of National Defence, Mr. Doug Young, announced on 28 November that agreement had been reached to set up a multinational headquarters in the region and to put in place the capability to carry out airdrops of food into eastern Zaire should they prove necessary.

9. Minister Axworthy defined the following as the immediate priorities: improving our capacity to help humanitarian organizations; gathering more information about the whereabouts and needs of the refugees; and beginning airdrops, if they were needed.

10. Within the context of Security Council resolution 1080 (1996), political direction and coordination for the force will henceforth be provided by a Steering Group composed of key contributors of troops, equipment and funding. The Steering Group convened for the first time on Friday, 29 November, in Ottawa. The objectives of that meeting were (a) to constitute the Group formally; (b) to approve the concept of operations outlined in New York on 26 November (including setting up headquarters, harmonization of national activities under way, enhanced reconnaissance and preparation for airdrops, if appropriate); and (c) to transmit a situation report from the Force Commander. The Steering Group meeting was followed immediately by a meeting for all troop contributors. Subsequent meetings of the Steering Group and of troop contributors will be held in New York, at times still to be determined.

11. The Steering Group is composed of Belgium, Cameroon, Canada, France, Ireland (European Union Presidency), Italy, Japan, the Netherlands, Senegal, South Africa, Spain, Sweden, Uganda, the United Kingdom of Great Britain and Northern Ireland and the United States of America. In addition, there have been regular meetings of all troop contributors to ensure that they are fully informed. The mandate of the Steering Group is, first, to exchange information on developments relating to the multinational force and, within the authorization of Security Council resolution 1080 (1996), to decide on any major change to the concept of operations and mission tasks for the force, and, second, to ensure liaison on issues of humanitarian assistance.

12. A fundamental tenet of our approach to constituting the multinational force has been the importance accorded to African participation. African countries form an important part of the group of countries that have come forward to contribute to the force. African countries constitute a significant portion of the Steering Group, and there will be a significant African participation in any level of deployment of the force. A United Nations Trust Fund has been established to support African participation in the multinational force.

13. The purpose of the multinational force, as set out in resolution 1080 (1996), is a strictly humanitarian one. The force is only one component of the humanitarian response of the international community. At the same time as the force carries out its mandate, the international community should focus on the smooth reintegration of returnees into their home communities by helping to strengthen the human rights, judicial and political safeguards that will prevent future refugee flows. The international community should also focus on a longer-term solution to the deep-rooted problems that face people in the region. The report of the Secretary-General's Special Envoy to the Great Lakes region of Central Africa, on the role of the United Nations in the subregion and the nature and structure of its presence there, will be of particular relevance, as will various other regional initiatives now being undertaken by African leaders.

14. We will continue to provide, pursuant to our obligation under resolution 1080 (1996), timely reports to the Security Council on the implementation of the resolution.

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Fifty-first session
QUESTION OF CYPRUS
HUMAN RIGHTS QUESTIONS: HUMAN RIGHTS QUESTIONS, INCLUDING ALTERNATIVE APPROACHES FOR IMPROVING THE EFFECTIVE ENJOYMENT OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS; HUMAN RIGHTS SITUATIONS AND REPORTS OF SPECIAL RAPPORTEURS AND REPRESENTATIVES

SECURITY COUNCIL
Fifty-first year

Letter dated 5 December 1996 from the Permanent Representative of Turkey to the United Nations addressed to the Secretary-General

I have the honour to transmit herewith a letter dated 4 December 1996, addressed to you by His Excellency Mr. Osman Ertuğ, Representative of the Turkish Republic of Northern Cyprus.

I should be grateful if the text of the present letter and its annex would be circulated as a document of the General Assembly, under agenda items 58 and 110 (b) and (c), and of the Security Council.

(Signed) Hüseyin E. ÇELEM
Ambassador
Permanent Representative

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Annex

Letter dated 4 December 1996 from Mr. Osman Ertuğ addressed to the Secretary-General

I have the honour to refer to the statement made by the Greek Cypriot representative at the 47th meeting of the Third Committee held on 21 November 1996 under agenda item 110 (b) and (c) (see A/C.3/51/SR.47). This statement contains allegations that grossly distort the realities of Cyprus and demonstrate yet again that the other side is more interested in political posturing than the building of confidence and reconciliation.

The Greek Cypriot representative, in a vain attempt to absolve the Greek Cypriot side from the responsibility of causing the existing division in the island, once again refers to the legitimate presence of a guarantor power as an "occupation". I wish to reiterate that the only occupation in Cyprus is the 33-year-old occupation of the seat of government of the once bicommunal Republic of Cyprus by the Greek Cypriot side.

Contrary to the allegations made by the Greek Cypriot representative, the Cyprus question and the present division of the island have not come about as a result of the Turkish intervention of 1974, but by the Greek-Greek Cypriot conspiracy and overt acts of violence during the period 1963-1974 aimed at converting the bicommunal Cyprus State into a Greek Cypriot one. This is admitted by the leader of the Greek Cypriot community, Mr. Glafcos Clerides, in his memoirs entitled "Cyprus: My Deposition", in the following manner: "... the Greek Cypriot preoccupation was that Cyprus should be a Greek Cypriot State, with a protected Turkish Cypriot minority" (vol. 3, p. 105).

The Turkish intervention which followed the coup d'état engineered by Greece in 1974, which was described by the Greek Cypriot side's own leader, Archbishop Makarios, in his speech before the Security Council on 19 July 1974 as "an invasion" (see S/PV.1780) had been necessitated by the naked aggression and blatant attempt by Greece to annex the island (enosis). One should recall that the Turkish intervention in Cyprus was carried out against the background of an 11-year-long systematic campaign of ethnic cleansing directed against the Turkish Cypriot people by the Greek Cypriot side, acting in collusion with Greece. With the coup d'état of 1974, the threat of total annihilation of the Turkish Cypriots at the hands of the combined forces of Greece and their collaborators in Cyprus had become imminent. Turkey's action was, therefore, a necessary act that saved the lives of an entire community and preserved the bicommunal independence of Cyprus.

It hardly needs to be stressed that Turkey's presence on the island, which emanates from the Treaty of Guarantee of 1960, is a vital security requirement for the Turkish Cypriots, as it serves as a deterrent against the repetition of Greek-Greek Cypriot aggression against the Turkish Cypriot people. In the face of the unprecedented build-up of arms and armed forces by the Greek Cypriot administration and the implementation of the so-called "joint defence doctrine" with Greece, the necessity of maintaining the Turkish deterrent becomes all the more obvious.

As regards the question of displaced persons, it should be mentioned that nearly four fifths of the Turkish Cypriot population have been rendered refugees or become displaced persons since 1963, some of them several times over, as a result of the Greek Cypriot side's attempts to annex Cyprus to Greece. It should be recalled that the issue of displaced persons has been fundamentally settled between the two sides through the Third Vienna Agreement dated 2 August 1975, whereby the two sides formally agreed to exchange populations. The Agreement was implemented under United Nations supervision in September 1975, paving the way for a bizonal, bicommunal settlement of the Cyprus issue. Both the Agreement and its implementation are well recorded in the relevant United Nations documents (see S/11789 of 5 August 1975 and S/11789/Add.1 of 10 September 1975).

On the question of the so-called "settlers", it should be pointed out that it is the Greek Cypriot side, which, together with Greece, has always attempted to alter the demographic character of Cyprus, not only by introducing thousands of settlers from Greece since the 1940s but also by trying to "cleanse" Cyprus of its ethnic Turkish population. At present, the Greek Cypriot administration continues to admit tens of thousands of people from other countries, and, as a result of the laxity of its immigration policies, South Cyprus has become, as widely reported in the international press, a centre for money-laundering, drugs and arms smuggling and other illicit activity.

Concerning the so-called "enclaved" Greek Cypriots, it is noteworthy that the term "enclaves" was first used in the relevant reports of the Secretary-General to describe the areas which Turkish Cypriots had been forced into by the Greek Cypriot side during the period between 1963 and 1974. Lately, the Greek Cypriot propaganda machine has been trying to utilize this term with a view to exploiting the presence of several hundred Greek Cypriots living in Northern Cyprus. The fact is that there have been no "enclaved" people in Cyprus since the liberation of the Turkish Cypriots by Turkey in 1974.

In connection with the recent border incidents in Cyprus, the Greek Cypriot representative conveniently glosses over the deadly Greek commando attack on a Turkish Cypriot Security Forces sentry post in the area of Güvercinlik village on 8 September 1996, which resulted in the murder of a Turkish Cypriot soldier and the seriously wounding of another. Moreover, by only looking at the outcome of the incidents and not at who provoked and caused them in the first place, the Greek Cypriot representative tries to hide the fact that these tragic incidents are a direct result of the Greek Cypriot side's massive violation of the United Nations-controlled buffer zone and our borders. This is clearly part of the other side's larger policy of escalation and tension on the island aimed at keeping the Cyprus issue alive on the agenda of the international community.

We would like to urge the Greek Cypriot side to abandon this policy of escalation and tension in the island as it only serves to deepen further the existing mistrust between the two peoples in Cyprus and hurts chances for a negotiated settlement. We also wish to call upon the other side to stop exploiting the question of human rights as an instrument of political propaganda and focus instead on how to revive the process of negotiations. The Greek Cypriot side must realize that the only viable option is to resume the direct

dialogue and should desist from all rhetoric and action which are bound to harm prospects for a just and lasting solution.

I should be grateful if the text of the present letter could be circulated as a document of the General Assembly, under agenda items 58 and 110 (b) and (c), and of the Security Council.

(Signed) Osman ERTUĞ
Representative
Turkish Republic of
Northern Cyprus

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S/1996/1015
9 December 1996

ORIGINAL: ENGLISH

REPORT OF THE SECRETARY-GENERAL ON THE IMPLEMENTATION OF SECURITY COUNCIL RESOLUTION 986 (1995)

1. The present report is submitted to the Security Council pursuant to paragraph 13 of Security Council resolution 986 (1995), in which the Council requested me to report to it when I had completed the actions necessary to ensure the effective implementation of resolution 986 (1995). In my interim report of 25 November 1996 (S/1996/978), I informed the Council of the actions that had been taken to that date.

2. Subsequent to that report, on 27 November, the Security Council Committee established by resolution 661 (1990) concerning the situation between Iraq and Kuwait approved the pricing mechanisms for loadings of crude oil in December 1996 that had been submitted by the State Oil Marketing Organization of Iraq.

3. From 27 November to 4 December, an advance team of technical experts from Lloyd's Register inspected the designated entry points in Iraq and assessed the logistical requirements in anticipation of the deployment of the independent inspection agents who will be confirming the arrival in Iraq of the goods purchased from the escrow account. The team received the full cooperation of Iraqi officials, who offered office accommodation and other facilities to enable the inspection agents to perform their functions.

4. From 4 to 8 December, technical experts from Saybolt Nederland BV inspected the pipeline metering station near Zakho and performed the necessary pressure testing of the metering equipment. Based on their technical findings, the experts were able to certify the reliability of the metering equipment.

5. In view of the above, I authorized the dispatch of the 14 independent inspection agents from Saybolt to their designated duty stations at the Mina al-Bakr oil terminal, the pipeline metering station near Zakho and at the Ceyhan oil terminal. They have since been deployed to their duty stations. I have also authorized an initial number of 13 independent inspection agents from Lloyd's Register to proceed to Iraq in order to take up their designated functions. It is my intention to request the remaining 19 inspection agents to proceed to Iraq as soon as it becomes operationally necessary. The four oil overseers have also been requested to return to New York to resume their functions.

6. On 7 December, an advance team was sent to Iraq by the Department of Humanitarian Affairs of the Secretariat in order to put in place the final arrangements for the implementation of the humanitarian activities of the United Nations Inter-Agency Humanitarian Programme, and the observation and reporting mechanism. The selection of core personnel required for the initial phase of the programme has been completed and action is being taken to deploy observers and programme staff on an urgent basis.

7. As noted in my interim report, an account has been opened at the New York branch of the Banque nationale de Paris. That account is now ready to receive deposits.

8. In accordance with paragraph 13 of Security Council resolution 986 (1995) and in view of the arrangements that have been made to date, I am satisfied that all the actions necessary to ensure the effective implementation of resolution 986 (1995) have been concluded. Therefore, the Secretariat stands ready to carry out its responsibilities as of 0001 Eastern Standard Time on the day after the President of the Security Council has informed the members of the Council that he has received the present report, in accordance with the decision of the Council in paragraph 3 of resolution 986 (1995).

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REPORT OF THE SECRETARY-GENERAL ON THE UNITED NATIONS OPERATION IN CYPRUS

(for the period from 11 June to 10 December 1996)

I. INTRODUCTION

1. The present report on the United Nations operation in Cyprus covers developments from 11 June 1996 to 10 December 1996 and brings up to date the record of activities of the United Nations Peacekeeping Force in Cyprus (UNFICYP) pursuant to Security Council resolution 186 (1964) of 4 March 1964 and subsequent Council resolutions, most recently resolution 1062 (1996) of 28 June 1996. A separate report will be issued on my mission of good offices.

II. ACTIVITIES OF THE FORCE

A. Maintenance of the ceasefire and the military status quo

2. The period under review has seen a level of violence and an increase in tension along the ceasefire lines unparalleled since 1974. Tension rose in early August 1996 in anticipation of a demonstration organized by the Cyprus Motorcycle Federation. First announced in January 1996, it was to take the form of a symbolic motorcycle ride, undertaken by Greek Cypriots and persons from other countries, originating in Berlin and ending in Kyrenia on 11 August. This meant that the demonstrators intended to cross the United Nations buffer zone as well as the Turkish forces ceasefire line, a course of action that was bound to cause the utmost provocation. During the period leading up to the demonstration, the media on both sides publicized a large number of increasingly acerbic statements by the demonstration's organizers and by Greek Cypriot political leaders, as well as counter statements by the Turkish Cypriot side.

3. During this period, the United Nations was in frequent contact with the government authorities, including the Cyprus Police, urging them to prevent any violation of the ceasefire lines or of the United Nations buffer zone. On the eve of the demonstration, I appealed publicly to the Government of Cyprus to take effective measures in exercise of its responsibilities to prevent any unauthorized entry into the United Nations buffer zone.

4. On the morning of 11 August, however, the demonstrators proceeded from the stadium in Nicosia, where they had assembled, to points east of Nicosia. Cyprus police were on hand, but remained largely passive. In the meantime, a major counter-demonstration had begun in north Nicosia, including a significant number of members of the "Grey Wolves", an ultra-nationalist Turkish organization, who had arrived from Turkey.

5. The Greek Cypriot demonstrators entered the United Nations buffer zone at several points, approached the ceasefire line of the Turkish forces, and clashed with Turkish troops and Turkish Cypriot police as well as with Turkish Cypriot counter-demonstrators. The most serious clash occurred near Dherinia, where a large group of Greek Cypriots were allowed to cross the National Guard ceasefire line. In the meantime, the Turkish forces allowed counter-demonstrators and Turkish Cypriot police to cross a restricted military area and to enter the United Nations buffer zone. They proceeded to beat the Greek Cypriots with batons and iron bars, killing one civilian.

6. On 14 August, following the funeral of the Greek Cypriot who had been beaten to death, some 200 Greek Cypriots entered the buffer zone at Dherinia and approached the Turkish forces' ceasefire line. Most were stopped by UNFICYP and were about to be moved out of the buffer zone when one demonstrator broke free from the main group and ran towards a Turkish Cypriot checkpoint, closely pursued by UNFICYP soldiers. While attempting to climb a flagpole flying a Turkish flag just behind the Turkish forces' ceasefire line, he was shot five times from the Turkish/Turkish Cypriot side. In addition, Turkish and/or Turkish Cypriot uniformed personnel proceeded to fire some 25 to 50 rounds indiscriminately into the crowd inside the buffer zone. As a result, two British UNFICYP soldiers and two Greek Cypriots were wounded.

7. During the clashes on 11 and 14 August, a total of 19 UNFICYP soldiers were injured.

8. Following these clashes, relations between the two sides became very tense. Gustave Feissel, my Deputy Special Representative in Cyprus, made strenuous efforts to contain the situation and to prevent further acts of violence. On 8 September, however, two Turkish Cypriot soldiers were shot by unknown persons in the area of Ayios Nikolaos, north of the link road in the Eastern British Sovereign Base Area (SBA), an area where the ceasefire line is patrolled by SBA police and UNFICYP but where there is no United Nations buffer zone. One of the soldiers was killed and the other seriously wounded. The Turkish Cypriot side has stated that this killing was carried out by Greek Cypriot or Greek military personnel, a charge denied by the Greek Cypriot side.

9. During the demonstrations in August, UNFICYP had operated at a heightened state of alert for a number of days. Following the shooting of the two Turkish Cypriot soldiers, UNFICYP operated on an increased level of alert for 29 days, with over 80 per cent of the Force deployed in the buffer zone on a continuous basis. UNFICYP also maintained an increased presence in the mixed village of Pyla during this period.

10. The violent incidents of August and September also had the effect of setting the opposing forces on the island on edge. On a number of occasions,

both forces moved forward of their lines into the United Nations buffer zone, and in some cases attempted to restrict UNFICYP operations. This was an almost daily occurrence in areas where the delineation of the ceasefire line is disputed by the Turkish forces. Instances of the firing of weapons have increased, although in most cases these consisted of negligent discharges that can be explained by a lack of discipline and training. In a serious incident on 13 October, however, a Greek Cypriot was shot three times and killed by a Turkish Cypriot soldier after crossing the Turkish forces' ceasefire line. On 29 October, a British military patrol was fired at from a Turkish sentry post when it inadvertently crossed the Turkish forces' ceasefire line. Along the whole buffer zone, but particularly in those areas where the opposing forces are in close proximity to each other, there has been a rise in instances of weapons being pointed or cocked, stone throwing and verbal abuse.

11. In all these cases, UNFICYP intervened with the military authorities on both sides to correct violations and to prevent any escalation.

12. There was also an increase in the number of incidents in which UNFICYP soldiers were threatened at gunpoint by soldiers of either side, and on four occasions UNFICYP personnel came under fire. On 13 September, a Turkish soldier fired several rounds at a United Nations helicopter flying inside the buffer zone west of Astromeritis. On 20 September, a Turkish soldier fired two rounds at a United Nations patrol east of Nicosia. On 26 September, several bursts of automatic fire, totalling some 30 rounds, were fired from the National Guard ceasefire line in the area of a United Nations observation post south-east of Nicosia. (The National Guard denied any involvement in the incident.) Finally, on 16 November near Ayios Ioannis, a Greek Cypriot hunter fired his shotgun directly at UNFICYP soldiers inside the buffer zone. A suspect was apprehended by the Cyprus police and an investigation is under way.

13. As in the past, there were a number of air violations of the status quo, mainly in connection with the annual exercises of the National Guard (4-7 October) and of the Turkish forces (4-7 November). Greek military aircraft took part in the National Guard exercise, which included the dropping of live ordnance, the dropping of parachutists and landings at Paphos airport. Similarly, Turkish military aircraft took part in the Turkish forces' exercise, and landed at Lefkoniko airport. In addition, six F-5 aircraft of a Turkish Air Force aerobatics detachment flew low over a parade in north Nicosia, and briefly over the buffer zone, on 15 November.

14. UNFICYP continued to monitor the status quo in the fenced area of Varosha. There were some cases of looting, which were protested by UNFICYP to the Turkish forces, who were reminded once again that the United Nations holds the Government of Turkey responsible for the maintenance of the status quo in the fenced area of Varosha. In addition, buildings continued to be used to house students.

B. Implementation of paragraphs 4 to 9 of resolution 1062 (1996)

15. With regard to the level of military forces and armaments on the island, there was no significant change on the Turkish side, which maintained a strength of some 30,000 Turkish and 4,500 Turkish Cypriot troops. On the government side, the National Guard acquired 27 modern T-80UM and 52 AMX-30 main battle tanks, for a total of 123 main battle tanks; the Guard's strength stands at approximately 11,500 troops.

16. As the events reported in the previous section indicate, there was no progress on the question of reciprocal measures to prohibit live ammunition or weapons, other than hand-held weapons, along the ceasefire lines. Nor was there any progress on the question of an extension of the 1989 unmanning agreement. In October, UNFICYP presented to the military authorities on both sides specific proposals for (a) the extension of unmanning to the areas where the military on the two sides remain in close proximity to each other; (b) the prohibition of loaded weapons along the ceasefire lines; and (c) the adoption of a code of conduct, based on the concept of minimum force and proportionate response, to be followed by troops on both sides along the ceasefire lines. The proposed measures are mutually reinforcing and should be treated as a package. They are modest and would not affect the security of the forces or the population on either side. Both sides have agreed to consider the UNFICYP proposals without preconditions and as an integrated whole and discussions are currently under way.

17. The National Guard has continued its military construction programme and, in particular, is currently undertaking construction works in and around the Nicosia Central Prison, close to a sensitive area of the buffer zone. Based on observation from the air, the construction would appear to be intended as a military position. In accordance with established practice, UNFICYP has repeatedly protested the construction and requested access to the site for inspection, but so far access has been denied. For their part, the Turkish Forces have reacted by carrying out construction in the same area. This has also been protested by UNFICYP.

18. There are 39 minefields and booby-trapped areas within the buffer zone, and a further 71 are located on either side within 500 metres of it. UNFICYP has requested their removal by the forces of the two sides, so far with little effect.

C. Restoration of normal conditions and humanitarian functions

19. UNFICYP has continued its efforts to promote and facilitate bicommunal events with a view to increasing communication and cooperation between the two communities. These occasions were organized by the United Nations, embassies of several interested Governments and non-governmental organizations. One notable event was an open house organized by UNFICYP on 24 October 1996, when over 3,000 Greek Cypriots and Turkish Cypriots joined United Nations personnel at the Ledra Palace Hotel in the buffer zone in Nicosia to celebrate United Nations Day.

20. The Turkish Cypriot authorities continued to insist on deciding on the participation of Turkish Cypriots in such events on a case-by-case basis. Authorization was often denied at little or no notice and with no reason provided. Since the latter part of October, a number of Greek Cypriots have been demonstrating at the South Ledra checkpoint in Nicosia with the stated purpose of dissuading foreign tourists from crossing to the northern part of the island. At times, they have also impeded the freedom of movement of United Nations and diplomatic personnel. These demonstrations have contributed to a climate of tension and ill-will between the two sides. UNFICYP has urged the Government to take the necessary measures to ensure that movement through the South Ledra checkpoint is not impeded or deterred. For its part, the Turkish Cypriot side responded by preventing bicommunal events, with very few exceptions.

21. UNFICYP continued to implement its humanitarian mandate in respect of Greek Cypriots and Maronites living in the northern part of the island and Turkish Cypriots living in the southern part. There are now 486 Greek Cypriots living in the Karpas area and 187 Maronites in the Kormakiti region. Of the Turkish Cypriots living in the southern part of the island, 343 are known to UNFICYP. The living conditions of the Greek Cypriots and the Maronites in the northern part of Cyprus have not changed (see S/1996/411, paras. 22-25) and there has been no further progress on the implementation of the recommendations arising out of the humanitarian review undertaken by UNFICYP in 1995 (see S/1995/1020, paras. 20-25, and annexes).

22. Following the incidents that took place in August and September 1996, UNFICYP was contacted by a number of Turkish Cypriots living in the southern part of the island who expressed concern for their safety. As a result, United Nations civilian police increased their visits to Turkish Cypriots. At the beginning of December, UNFICYP opened a liaison office at Limassol to facilitate access to the Force by Turkish Cypriots living in the southern part of the island.

23. The Turkish Cypriots living or working in the southern part of the island and in the buffer zone have been affected adversely by the aftermath of the incidents of recent months. Most, including the Turkish Cypriot residents of Pyla, have been suspended temporarily from their employment. UNFICYP has urged the Government to take the necessary steps to ensure that these persons can return to their places of work without delay. As a result of UNFICYP intervention, the people affected are receiving unemployment entitlements.

III. ECONOMIC AND SOCIAL ACTIVITIES OF THE UNITED NATIONS SYSTEM

24. UNFICYP continues to act as intermediary between the two communities and to facilitate cooperation in such areas as the repair and equitable distribution of electricity and water resources.

25. The United Nations Development Programme (UNDP), as well as United Nations specialized agencies, continued their efforts to pursue bicommunal activities, mainly in the sectors of health and environment.

26. The Office of the United Nations High Commissioner for Refugees (UNHCR) continued to administer a bicommunal humanitarian programme, planned and implemented by bicommunal teams of Greek Cypriots and Turkish Cypriots, which includes significant development components. The main areas of cooperation were in sanitation, health, environment, agriculture, veterinary science, rehabilitation of culturally important sites and the Nicosia Master Plan. During the period under review, regular bicommunal meetings in these areas of cooperation were held at the UNHCR offices.

IV. COMMITTEE ON MISSING PERSONS

27. In my last report to the Security Council (S/1996/411, para. 31), I mentioned my letter to the leaders of the two communities of 4 April 1996, asking both sides to agree on four specific points as an indication of their determination that the Committee on Missing Persons should make expeditious progress before initiating the procedure to appoint a new Third Member. Despite the substantial work carried out by both sides, no agreement has been reached on the four points. I am currently considering the merits of continuing United Nations support to the Committee.

V. ORGANIZATIONAL MATTERS

28. As of December 1996, UNFICYP comprised 1,162 troops and 35 civilian police. The military personnel were from Argentina (390), Austria (314), Canada (2), Finland (2), Hungary (39), Ireland (32) and the United Kingdom of Great Britain and Northern Ireland (383). The police were from Australia (20) and Ireland (15). In addition, it had a civilian complement of 339, of whom 40 were recruited internationally, and 299 locally. The deployment of the Force is shown on the map attached to the present report.

29. Mr. Han Sung-Joo continues to serve as my Special Representative for Cyprus, Mr. Gustave Feissel as my Deputy Special Representative and Chief of Mission of the United Nations operation in Cyprus, and Brigadier General Ahti T. P. Vartiainen as Force Commander.

Financial aspects

30. The General Assembly, by its resolution 50/236 of 7 June 1996, appropriated an amount of $45,079,500 gross for maintaining UNFICYP for the 12-month period from 1 July 1996 to 30 June 1997. This amount includes the pledged voluntary contribution from the Government of Cyprus of one third of the cost of the Force, and the annual amount of $6.5 million contributed by the Government of Greece.

31. Should the Security Council decide to extend the mandate of UNFICYP for a further period of six months as I recommend in paragraph 38 below, the costs of maintaining the Force would be approximately $22.5 million. Of that amount, approximately $12.1 million would be assessed on Member States.

32. As at 30 November 1996, the total outstanding assessed contributions to the UNFICYP Special Account amounted to $13.6 million, representing some 18.6 per cent of the assessment for the Mission since 16 June 1993. The outstanding assessed contributions for all peacekeeping operations totalled $1.7 billion.

VI. OBSERVATIONS

33. The situation in Cyprus deteriorated in the last six months. There was violence along the ceasefire lines, including the unnecessary and disproportionate use of lethal force by the Turkish/Turkish Cypriot side, to an extent not seen since 1974. The atmosphere between the two communities was marked by increasing distrust and hostility.

34. Once again, I must express serious concern about the excessive levels of military forces and armaments in Cyprus and the rate at which they are being expanded, upgraded and modernized. This can only increase tension on the island and in the region.

35. During the demonstrations on 11 and 14 August, UNFICYP did its best to prevent the demonstrators from entering the United Nations buffer zone. An international peacekeeping force is placed in an invidious position, however, when faced with a volatile crowd of civilians. Controlling the civilian population must therefore remain the exclusive responsibility of the local authorities. In Cyprus, the authorities on both sides have proved on many occasions that they are perfectly capable of fulfilling this task. The police are effective, and the political leaders have both the formal and informal means to provide guidance on important security issues and to ensure that it is heeded.

36. There is an urgent need now for leaders on both sides to make a serious effort to reverse the negative trend of recent months and to lead their communities in a more positive direction. In word and deed, efforts must be made to build trust and goodwill between the two sides.

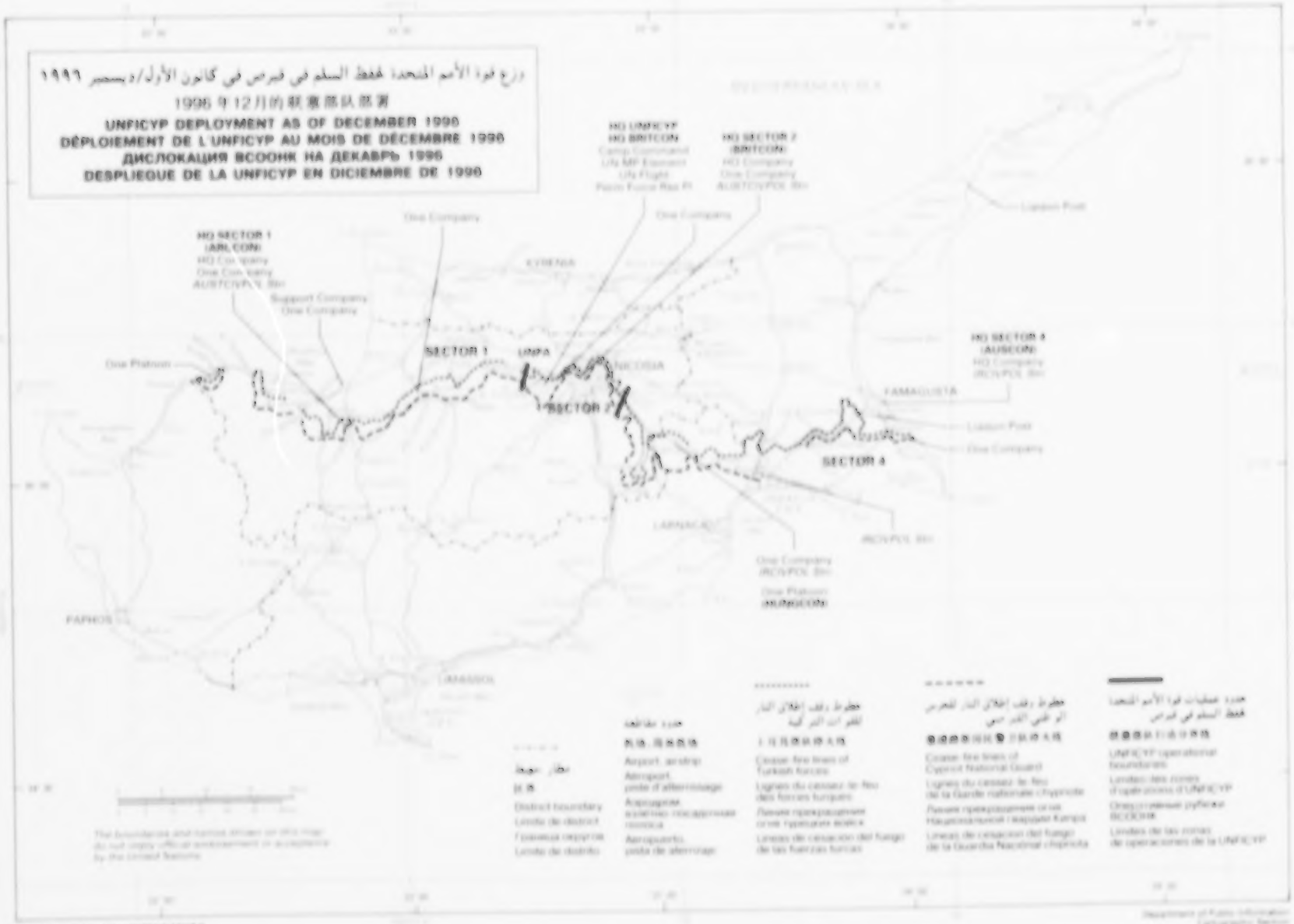
37. UNFICYP has proposed a number of practical measures that would go a long way towards achieving this aim. Early agreement on the proposed package of measures to reduce tension along the ceasefire lines would be a significant step forward. Implementation of the measures to improve the living conditions of the Greek Cypriots and Maronites living in the northern part of the island should be realized without further delay. The removal of all impediments to the movement of people and increased contacts and communication between the two sides would be another important step towards bringing the two communities closer together, particularly in the prevailing climate; this applies both to official restrictions as well as to unofficial efforts to dissuade people from visiting the other side.

38. In the prevailing circumstances, I believe that the UNFICYP presence on the island remains indispensable if we are to achieve the objectives set out by the Security Council. I therefore recommend that the Council extend the mandate of the Force for a further period of six months until 30 June 1997. In accordance

with established practice, I am consulting the parties concerned on the matter and shall report to the Council as soon as these consultations have been completed.

39. I take this opportunity to express my appreciation to the Governments contributing troops and civilian police to UNFICYP for the steadfast support they have given to this United Nations peacekeeping operation. I also wish to thank the Governments that have made voluntary contributions towards the financing of the Force.

40. In conclusion, I wish to express my appreciation to my Special Representative, to my Deputy Special Representative and Chief of Mission, to the Force Commander and to the men and women serving with UNFICYP, who have discharged the important responsibilities entrusted to them by the Security Council with efficiency and dedication.


وزع قوة الأمم المتحدة لحفظ السلم في قبرص في كانون الأول/ديسمبر ١٩٩٦
1996年12月的联塞部队部署
UNFICYP DEPLOYMENT AS OF DECEMBER 1996
DÉPLOIEMENT DE L'UNFICYP AU MOIS DE DÉCEMBRE 1996
ДИСЛОКАЦИЯ ВСООНК НА ДЕКАБРЬ 1996
DESPLIEGUE DE LA UNFICYP EN DICIEMBRE DE 1996
HQ UNFICYP
HQ BRITCON
Camp Commandant
Lily MP Element
Lily Flight
Paras Force Res Pl
HQ SECTOR 2
(BRITCON)
HQ Company
One Company
AUSTCYPOL Bn
One Company
HQ SECTOR 1
(ARGCON)
HQ Company
One Company
AUSTCYPOL Bn
Support Company
One Company
One Platoon
SECTOR 1
UNPA
NICOSIA
SECTOR 2
HQ SECTOR 4
(AUSCON)
HQ Company
(RCY)POL Bn
FAMAGUSTA
Liaison Post
One Company
SECTOR 4
LARNACA
(RCY)POL Bn
One Company
(RCY)POL Bn
One Platoon
HUNGCON
PAPHOS
LIMASSOL
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Map No. 2830 Rev. 30 UNITED NATIONS
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Cartographic Section